# LEGISLATIVE COUNCIL

**Wednesday 29 June 2005**

**The PRESIDENT (Hon. R.R. Roberts)** took the chair at 2.20 p.m. and read prayers.

## MINING ROYALTIES

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I seek leave to make a ministerial statement on mining royalties.

Leave granted.

**The Hon. P. HOLLOWAY:** Yesterday, the Hon. Caroline Schaefer asked several questions in the Legislative Council in regard to mining royalties. She said:

> The mining royalties received by the government this financial year are estimated in the budget papers to be $95.3 million, up from a budgeted figure of $8.4 million. The budget predicts royalties for the financial year 2005-06 to be $94 million. Last year's budget announced the decision to amend the Mining Act to allow for an increase in the royalty rate from 1.5 to 2.5 per cent to a rate range of 2.5 to 3.5 per cent. My questions are:
>
> 1. Is the government still intending to move such amendments, and is the budgeted figure based on the existing royalty rate or the expectation that the rate will be changed upwards?
>
> 2. Can the minister explain the huge discrepancy of $86.9 million between the budgeted royalties and the actual royalties?

The forward outlook for revenue from mining royalties is provided in Budget Paper 3 at page 3.25. Table 3.19 records that the 2004-05 budget for royalties from minerals and petroleum was $84 million, not $8.4 million as claimed, and that the estimated final result for the year will be $95.3 million, an increase of $11.3 million, not the $86.9 million claimed by the Hon. Mrs Schaefer. These figures are also contained in Budget Paper 4, Volume 2, Portfolio Statements page 5.33 and also page 5.36. I have no idea where the honourable member obtained the figure of $8.4 million. The $11.3 million increase in royalties above the 2004-05 figure is as a result of the Olympic Dam mine returning to full production, the significant rise in copper prices, and stronger crude oil and LPG prices.

The budgeted amount of mineral and petroleum royalties for the 2004-05 year was based on existing royalty rates and production and did not take into account proposed changes to the mineral royalty rate. The forecast amount to 2005-06, and the remainder of the forward estimates period, takes into account the planned increase in the mineral royalty rate to a base rate of 3.5 per cent as well as other factors such as the anticipated increase in production from OneSteel's Project Magnet in 2008, and fluctuations in commodity prices and exchange rates.

As I indicated earlier, the government intends to introduce a royalty bill into the spring session of parliament. Extensive detailed consultation with industry and stakeholders has been conducted, following the release of a position paper last month. The key elements of the amendments are to change the existing mineral royalty rate from the current range of 1.5 per cent to 2.5 per cent, to a base rate of 3.5 per cent, and to introduce a lower rate that will apply to new mines for a fixed period. There is no huge discrepancy in royalty payments for 2004-05, and the honourable member has clearly misread the data. The Hon. R. Lucas also raised a supplementary question in relation to this matter, as follows:

> Can the minister give an assurance to the council that Mr Robert Champion de Crespigny has not had any discussions with officers or ministers in the development of the government's royalty policy over the past two years?

It is important to the government that the changes to the royalty rate are beneficial to both the industry and the government. As such, extensive consultation with interested stakeholders has been underway for several months, and a preliminary draft of the amendment bill has been circulated to key parties. Industry has been consulted through several representative bodies including the Resources Industry Development Board (RIDB), the South Australian Chamber of Mines and Energy (SACOME), and the SA Minerals and Petroleum Expert Group (SAMPEG), of which Mr Robert Champion de Crespigny is a member. Mr Champion de Crespigny has had no direct role in the setting of the proposed new royalty rate. However, his views have been canvassed along with many other industry representatives as part of the wider consultation process in discussions held following the government's decision to amend the royalty provisions.

**The Hon. R.I. Lucas:** That is not what you said yesterday.

**The Hon. P. HOLLOWAY:** I am clarifying what I said yesterday.

**The Hon. R.I. Lucas:** You misled us yesterday. You just said—

**The Hon. P. HOLLOWAY:** No, I said—if you read the answer carefully—I am clarifying what I said yesterday. You read what I said yesterday; it was ambiguous, and I am clarifying it.

**The Hon. R.I. Lucas:** No, it was not.

**The PRESIDENT:** Order! There will be no debate. The minister is making a statement.

*Members interjecting:*

**The Hon. P. HOLLOWAY:** Here we have the Hon. Caroline Schaefer getting a figure completely wrong by a factor of 10, and I get a supplementary question on that, and this is the response I get, Mr President.

## BROWNHILL AND KESWICK CREEKS

**The Hon. P. HOLLOWAY (Minister for Urban Development and Planning):** I seek leave to make a ministerial statement on the subject of the planning strategy on Brownhill and Keswick creeks.

Leave granted.

**The Hon. P. HOLLOWAY:** My statement is about the draft metropolitan planning strategy and a recent issue in the media concerning the strategy's impact on Brownhill and Keswick creeks. This issue appears to have resulted from the misinterpretation of maps contained in the draft strategy currently on consultation. A number of residents who reside along Keswick and Brownhill creeks appear to have been unnecessarily alarmed by the recent distribution of unsubstantiated information, which claims that the draft metropolitan planning strategy requires that privately owned land along the creeks will be zoned for open space purposes, effectively freezing its current residential use, and that the government is intent on the compulsory acquisition of this land for an open space corridor.

I wish to make it clear today and clarify for the public record once and for all that the government has no intention of freezing this land through open space zoning nor has it any plans to compulsorily acquire this land. The draft planning strategy—and I remind members that it is a draft out on

public consultation until 31 July—presents the state government's suggested policy directions for the physical development of the state. The presentation of maps contained within the draft metropolitan planning strategy show areas of MOSS (metropolitan open space system) along Keswick and Brownhill creeks. Let me make it very clear that these maps are indicative and are clearly not drawn to scale, because, if they were, they could only be depicted by the finest of lines.

Furthermore, it seeks to canvass with the community and councils, where appropriate, the potential opportunities for the establishment of local biodiversity corridors along watercourses. Examples where the waterway has been enhanced and rehabilitated already exist—the wetlands at Urrbrae and the land near the old Forestville Basketball Stadium spring to mind. Both of those sites are in the public realm. These areas are not zoned MOSS but they do provide important links in the broader concept of the metropolitan open space system. There are many areas across metropolitan Adelaide that have been identified as being important to the MOSS concept. These are generally along waterways, the coast and throughout the Hills face; however, it has never been the government's intention to advocate the establishment of MOSS zoning over privately owned land along Brownhill and Keswick creeks.

It would seem that some people have chosen to find some correlation between the MOSS concept presented in the planning strategy and the former plan amendment report that dealt with flooding issues along the Brownhill and Keswick creeks system that was withdrawn earlier this year by my predecessor. The intent of that PAR was to ensure that councils and those who live in the flood-prone areas were cognisant of the flooding potential when undertaking new development. It is clear that the confusion that has been manufactured through statements about the planning strategy maps will need to be addressed through the government's response to consultation on the planning strategy. The government would ensure that the maps are amended to reassure everyone that it is not our intention to compulsorily acquire privately owned land along the metropolitan creek lines. I would like to remind members of the council that the consultation period for the planning strategies—metropolitan and outer metropolitan—close on 31 July 2005, and I would welcome their comments.

## QUESTION TIME

### PRESIDENT, RESPONSIBILITIES

**The Hon. R.I. LUCAS (Leader of the Opposition):** I seek leave to make an explanation prior to asking you, Mr President, a question about the subject of the President's responsibilities.

Leave granted.

**The Hon. R.I. LUCAS:** Mr President, you would be aware that the role of the President is critical to the operation of this chamber, as a strong chamber in a bicameral system. It is the view of many—of all, I would hope—that the President should be able to undertake his or her role without pressure or, indeed, intimidation in the undertaking of his or her duties. Mr President, you will be aware that, over the past couple of years, you have been subjected to considerable criticism from some members of your own party and the government, because—

**The Hon. P. HOLLOWAY:** I rise on a point of order, Mr President. Apart from being totally incorrect, I suggest that the honourable member is advancing an opinion—and it is a totally wrong opinion.

**The PRESIDENT:** If I had to rely on being confident that everything being said was the truth, the whole truth and nothing but the truth, nothing would probably be said at all. There is no point of order. I will listen with interest as to whether or not any opinion is being proffered; if it is, it will be stopped.

**The Hon. R.I. LUCAS:** —in their view you have not been tough enough on opposition members in your role as President of the Legislative Council, and you can certainly offer an opinion on that, I am sure. Mr President, you are now aware that, for the past two years, a senior member of the Rann government, and a factional heavyweight in the right faction—the accident prone Attorney-General Atkinson—has been offering your position—

**The Hon. P. HOLLOWAY:** Mr President, that description is definitely opinion and is out of order. He is not allowed to use that sort of pejorative language in a question. It is quite against all standing orders.

**The PRESIDENT:** No argument, opinion, hypothetical case, inference or imputation should be entertained. The Leader of the Opposition will take that into account.

**The Hon. R.I. LUCAS:** I will take that into account, Mr President—on the Labor Party's Legislative Council ticket to the Hon. Mr Nick Xenophon. Mr President, you will acknowledge as a fact that only four persons on the Labor Party ticket at the next election can be guaranteed re-election, and they would normally comprise the three sitting members—

**The Hon. R.K. Sneath:** There will be six the way you're going!

**The PRESIDENT:** Order!

*Members interjecting:*

**The PRESIDENT:** Order! Childish debate will cease.

**The Hon. R.I. LUCAS:** —including you, Mr President, and the most recent nominee of the left, Mr Ian Hunter. The opposition has also been advised that senior factional heavyweights from the right and left factions within the government are trying to delay the preselection (and one, I might say, is wearing a pukey yellow shirt at the moment) for your Labor Party's Legislative Council ticket until after parliament rises this year.

*Members interjecting:*

**The PRESIDENT:** Order! 'Pukey yellow' is definitely an opinion.

**The Hon. CARMEL ZOLLO:** I rise on a point of order, Mr President, namely relevance and debate.

**The PRESIDENT:** As the Leader of the Opposition has not put a question, I cannot rule on relevance.

**The Hon. R.I. LUCAS:** I withdraw and humbly apologise for referring to the Hon. Mr Sneath's shirt as 'pukey yellow'—but there have been other descriptions.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. R.I. LUCAS:** This is being done to minimise any prospects of your causing any grief to the Rann government, should you be shafted by your own party. My questions are:

1. Can you assure this council, Mr President, that attempts by a senior member of the government, Attorney-General Atkinson, and other as yet unnamed persons, to shaft you and your preselection prospects will not in any way impact on the

way you conduct yourself as the President of the Legislative Council?

**The Hon. R.K. Sneath:** I think he can refuse to answer that because it's not in the best interests of the public. It's got no public interest.

**The Hon. R.I. LUCAS:** Are you saying that the President has no public interest?

**The Hon. R.K. Sneath:** No—what you're talking about has no public interest.

**The Hon. R.I. LUCAS:** I think there is a little bit of interest. My questions continue:

2. Given that, last night in an interview on Channel 7, you described Attorney-General Atkinson as 'a rogue agent acting alone'—an interesting phrase, but I will not say any more—are you still convinced that Premier Rann and other senior members of your own party and government are not part of this outrageous attempt to shaft you and your preselection prospects?

**The PRESIDENT:** Some of the questions and explanations require opinion, and any questions soliciting opinion are out of order. My position as President has not changed from the day I took office. I assured the chamber at that time that I would protect the practices, protocols and procedures of this council and try to maintain the dignity of the council at all times. That will be the way in which I continue to operate. In respect of the honourable member's assertion that I mentioned the Hon. Mr Atkinson in an interview on Channel 7 last night, I do not think I mentioned anyone's name. I suggested that, if what was being asserted to me was the opinion or position of the party, I would be surprised. I did suggest that, if anyone was doing that, it would be a rogue person acting alone. In respect of my preselection by the Labor Party, it is not and has never been my practice and it is not my intention now to discuss those matters in any other forums but the Labor Party caucus, and I intend to do so on Tuesday.

**The Hon. A.J. REDFORD:** I have a supplementary question. Given that, in an ABC interview yesterday the Attorney-General commented on Legislative Council standing orders to explain what was wrong with what happened on Monday, does the President agree with the Attorney-General's interpretation of the standing orders and agree that what this chamber did on Monday was in breach of standing orders?

**The PRESIDENT:** I am not aware of the Attorney-General's remarks about the procedures of the council. Very clearly—

*Members interjecting:*

**The PRESIDENT:** Order! If the Hon. Mr Redford does not want an answer, he should not have asked the question.

**The Hon. A.J. Redford:** Sorry.

**The PRESIDENT:** The question seeks an opinion from me. I am not aware of any remarks made by the Attorney-General. I never criticise a decision of the Legislative Council, whether it goes with me or against me, and I believe it would be in breach of standing order 192, which all other members should take cognisance of from time to time. I point out that the procedures of the Legislative Council are in the hands of all honourable members present, and any decisions made by the council as a whole should be supported by all members of Her Majesty's Legislative Council.

**The Hon. R.K. SNEATH:** I have a supplementary question. Is the President aware of any rumours circulating that the Hon. Mr Xenophon was approached to take the opposition leader's place in the other house?

**The PRESIDENT:** No.

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Lawson has the call.

*The Hon. R.I. Lucas interjecting:*

**The PRESIDENT:** The Leader of the Opposition will come to order.

## CRIME STATISTICS

**The Hon. R.D. LAWSON:** I seek leave to make a brief explanation before asking the Leader of the Government, representing the Attorney-General, a question about crime statistics.

Leave granted.

**The Hon. R.D. LAWSON:** Recently, when the Premier was in London, he released figures purportedly from the Office of Crime Statistics for the year 2004. He did this on an exclusive basis to *The Advertiser* newspaper, and those figures have not yet been publicly released. On that occasion, the Premier cited a number of selected crimes, which had in absolute terms fallen over the period between 2003 and 2004. The Premier claimed credit for this fall, which he suggested was as a result of the policies of his government.

On that occasion, the Premier failed to mention that similar reductions in crimes had occurred in all other comparable states. On 23 June, the Australian Bureau of Statistics issued the latest authoritative figures for the year 2004 on recorded crime across all jurisdictions in Australia. The figures show that the rate of murder in South Australia is 38 per cent above the national average, and that the rate increased between 2003 and 2004. In the general category of homicide and related offences, which includes murder, attempted murder, manslaughter and causing death by dangerous driving, the rate in South Australia was 51 per cent above the national average, and the rate has increased over the period 2003 to 2004; and, indeed, it has increased since this government came to power in 2002.

The figures also show that the rate of armed robbery in South Australia is 10.4 per cent above the national average; blackmail and extortion, 61 per cent above the national average; unlawful entry with intent, 13.6 per cent above the national average; motor vehicle theft, 33.8 per cent above the national average—and, alone of all the jurisdictions in Australia, that particular offence increased over the period 2003 to 2004. The rate of all other thefts was some 5.4 per cent above the national average. My questions are:

1. Will the Attorney-General correct the public record, in particular the erroneous impression given by the Premier in his release from London?

2. Will he acknowledge that such reductions as have occurred in South Australia have occurred across Australia and are more the result of economic prosperity brought about by the Howard-Costello government rather than any policies of this government?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** Yesterday we had a question about statistics, where the Hon. Caroline Schaefer got a decimal point wrong. I will not accept any statistics given by members opposite. They have a track record of getting them wrong—badly wrong. In relation to the Premier's comments from London, there has been an answer to a question. I thought it might have been one given earlier this week, but it still has not been included

in *Hansard*; so I cannot check. If the honourable member has not yet got it, he will be getting it fairly soon.

In relation to the other figures, we will have them checked. It is our experience that when members opposite use statistics they nearly always get them wrong. One has only to look at the gross misrepresentation of my answer yesterday in question time to the Leader of the Opposition in relation to Mitsubishi jobs. He put out a press release which completely contradicted what I said. Reality and honesty do not apply with members opposite. I guess that is why they are where they are.

*The Hon. R.I. Lucas interjecting:*

**The Hon. P. HOLLOWAY:** No; I did not. In fact, if one reads the record, I was grossly misrepresented by the Leader of the Opposition. We expect it of him. That has been his track record in 22 years of parliament. That is why he is still here. The sorts of games he plays and the questions he asks, why would one be here for 22 years with the pension the honourable member has? Why would one be here for 22 years and still stay here when you have been totally discredited like he was after the sale of ETSA? There is one reason: he loves gossip and playing the games. He has no policy contribution whatsoever. Have members heard anything from him in 3½ years? Of course not. One does not want to hear that. He just wants to play the sort of game we heard today. He wants to put out press releases that misrepresent people. That is why he is here—and it is all he can do. I suppose he does it fairly well. If you want a party in government that plays games, misses the point, does not have any policy substance and lies at election time—like they did in relation to ETSA—

**The PRESIDENT:** Order! I know the minister is passionate, but he knows that he cannot use the word 'lies'.

**The Hon. P. HOLLOWAY:** I will withdraw. Mr President, while you are at that, I notice that in the last few days an unparliamentary comment which was made by the Hon. Angus Redford was reported in *The Advertiser*. I trust that you will require the honourable member to withdraw that comment as well.

**The PRESIDENT:** In respect of the point made by the minister, I am aware of the printed substance that has appeared in the newspapers. It was not part of the debate. It was an unruly interjection which, for one reason or another, has been beaten up by people. It should never have been recorded in the *Hansard* because, in my view, it was made—

**The Hon. R.I. Lucas:** It was not in *Hansard*.

**The PRESIDENT:** It was not in *Hansard*. It has appeared in the newspapers. I have no control over the newspapers.

**The Hon. A.J. REDFORD:** I rise on a point of order, Mr President.

**The PRESIDENT:** I do not want an explanation: I want a point of order.

**The Hon. A.J. REDFORD:** I sincerely apologise for the words that I used on Monday; and, if that enables the minister to get on with his job,—

**The PRESIDENT:** No; I want no explanation. That is enough. The honourable member's apology is accepted.

## PIRSA, ANNUAL REPORT

**The Hon. CAROLINE SCHAEFER:** I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about the annual report of PIRSA.

Leave granted.

**The Hon. CAROLINE SCHAEFER:** The annual report of PIRSA indicates that rehabilitation inspections of opal field tenements outside of precious stones fields show a lower rate of compliance than the previous year due to a process which was previously acceptable now being adjudged to be unacceptable. Will the minister explain the changes to the processes for compliance on the opal fields and why they have been changed, and will he say whether the compliance rate has improved since publishing the report?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development):** The only annual report that has been published is, of course, for the year 2003-04, which is now 12 months out of date. I do not have with me the annual report of 12 months ago. What I can say is that there has been significant improvement in the compliance activities in the opal fields. One thing I did earlier this year was to open the new office for PIRSA, which is now located within the TAFE building in the main street of Coober Pedy. For some years now the mineral section of PIRSA at Coober Pedy has been housed in thoroughly inadequate buildings. They were temporary buildings; and they had buckled floors, which were an occupational health and safety hazard. I am pleased to say that the department earlier this year has been relocated into proper facilities—

*The Hon. A.J. Redford interjecting:*

**The Hon. P. HOLLOWAY:** Yes; well, you should have seen those that we inherited from you. It is a pity you did not spend anything on them in eight years. All you ever did was sell ETSA, and then you have the gall to come out and use this. You sell ETSA—

*The Hon. A.J. Redford interjecting:*

**The PRESIDENT:** Order!

**The Hon. P. HOLLOWAY:** You sell ETSA—

*The Hon. A.J. Redford interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Redford is uncharacteristically fractious today. He is going over the fence. I shall have more decorum from Her Majesty's opposition and the same level of decorum from the members of the government, and in that way I think we will get through this a lot quicker. There will be much less opportunity for argument and better responses.

**The Hon. P. HOLLOWAY:** As I said, the compliance activities within the opal tenement sector at Coober Pedy have improved considerably as a result of the improved facilities and record-keeping section because of the investment that this government has made within those regions. Also, we have beefed up the compliance section. There has been a significant increase in the budget within the last year. The honourable member's question was really about matters that now go back into the 2003-04 financial year. They are more than 12 months old.

I would have to read the annual report from last year. I will take on notice that part of the question and find out about those matters that were referred to 12 months ago. I can say that there has been a significant increase in compliance activities right across the mines and energy portfolio.

## METROPOLITAN FIRE SERVICE

**The Hon. G.E. GAGO:** I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about SAMFS compliance with the State Development Act.

Leave granted.

**The Hon. G.E. GAGO:** Promotion of the prevention of emergency incidents is vital to the ongoing protection of South Australians. My question is: will the minister advise the council how the Community Fire Safety Department of the Metropolitan Fire Service promotes the prevention of emergency incidents?

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** Through the Built Environs Section of the Community Fire Safety Department, the South Australian Metropolitan Fire Service (SAMFS) promotes the prevention of emergency incidents by ensuring that all built environments in South Australia comply with the Development Act. Under the Development Act, any structural development proposal that significantly departs from the Building Code of Australia must be referred to the fire service for comment. These performance-based alternative solutions must be responded to within 20 working days, and I am pleased to advise that this time frame has been met in over 95 per cent of the proposals submitted.

SAMFS comments range over the mechanical (smoke spill, air-conditioning), electrical (detection systems) and hydraulic (sprinklers, boosters, tanks or hydrants). Ongoing programs that began or were completed in the 2004-05 financial year include: the commissioning and inspection of fire detection, fire protection and firefighting equipment installed in accordance with acts and regulations; commissioning and testing of fire detection/suppression systems (including hydrants and hose reel systems); conducting triennial fire safety inspections of health care facilities; attending building fire safety committees throughout the state to ensure appropriate levels of fire safety and protection in buildings (especially boarding houses, nursing homes and hospitals); and providing industry with expert advice on hazardous storage issues. Staff within the section sit on a number of committees within the Australian Fire Authority Council, and various government bodies and have input into Australian standards and effect legislative change.

## HEALTH, CONSULTANTS

**The Hon. SANDRA KANCK:** I seek leave to make an explanation before asking the minister representing the Minister for Health a question about the use of consultants.

Leave granted.

**The Hon. SANDRA KANCK:** Following comments I made in the parliament and the media some years ago, my office has been a contact point for several victims of workplace bullying within the Department of Health. I understand the Department of Health has contracted Ms Josephine Tiddy, a former equal opportunity commissioner, to investigate and conciliate some government workers' employment grievances. My questions are:

1. How much has the Department of Health spent on engaging Ms Tiddy as a consultant for workplace disputes over the past three years?

2. Which other government departments have also engaged Ms Tiddy as a consultant to investigate, mediate and/or conciliate workplace disputes?

3. For the past three years, what has been the total state government expenditure to engage Ms Tiddy as a consultant for workplace disputes?

4. How many cases has Ms Tiddy been asked to look at; and, of these, how many have been resolved?

5. Is there sufficient expertise within the department's human resources section to adequately handle these cases; and, if so, why is it not being utilised?

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** I will refer those questions to the Minister for Health in another place and bring back a response.

## LOTTERIES COMMISSION

**The Hon. NICK XENOPHON:** I seek leave to make a brief explanation before asking the minister representing the Treasurer a question about the Lotteries Commission.

Leave granted.

**The Hon. NICK XENOPHON:** I refer to an article in the *Sunday Mail* of 26 June 2005 by Kevin Naughton entitled 'Poor are Lotto's big game'. The story reports that a Glenelg newsagent (Mr Brian Selth) was unsuccessful in his application for a lottery agency in Glenelg. In the reasons given for the refusal of his application, it was revealed that 47 per cent of lotto players come from low income households—those who can least afford to play. Information obtained by the *Sunday Mail* in relation to the Lotteries Commission research was based on research done in 2002 and states that only 7 per cent of lotto players are in the top money-earning bracket of more than $80 000 a year. The commission's response to Mr Selth included the following:

> It may be that an entirely different clientele now populates the Glenelg environs. According to SA Lotteries research and practical experience, this is not a clientele that is likely to utilise SA Lotteries agencies.

Mr Selth was also critical of the lack of information about the system by which lottery agencies are allocated, having tried to obtain his agency licence for 13 years. My questions to the minister are:

1. Will the government release the entire 2002 research referred to, including the questions put and all material relied on?

2. Is there any more up-to-date research other than the 2002 research referred to in relation to the response that the commission gave Mr Selth, and will the minister provide a copy of such research?

3. What criteria are used to classify a clientele that is likely to utilise SA Lotteries agencies as referred to by the commission?

4. Can the minister confirm that the research referred to indicates that SA Lotteries has a policy of targeting lower income households?

5. Are guidelines available that explain the system by which lotteries agencies are obtained? If so, does the minister intend to make such guidelines available publicly, and, if not, on what basis are lotteries outlets allocated?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** My understanding is that the determination of where lotteries outlets go is the same as it has been for many years, and obviously it is based on a system of rationing those outlets according to demand. It is my understanding that the gentleman referred to by the honourable member has been requesting one of these licences for more than 10 years and, as I understand it, the response which he was given—and, of course, which was referred to in the *Sunday Mail* last week—was simply addressing point by point the arguments the gentleman concerned had made in his further request, through his lawyers, for a licence.

I know the honourable member has tried to draw a long bow from information and suggest that somehow or other in

the view of the Lotteries Commission another licence in the area was not warranted because it was believed that there would not be sufficient demand for lotto tickets in that area. The honourable member has drawn a very long bow to suggest that that somehow or other indicates that the Lotteries Commission was targeting low income earners. I think the government and, certainly, I would reject the allegation that that was the case. Clearly, there have to be some grounds on which lotteries licences are issued. If too many are issued in an area it is just like liquor licences and everything else: it will obviously reduce the viability of other operations in the area. In relation to the other parts of the question about the means by which those licences are allocated, I will take that on notice and get the information for the honourable member.

## CARNEGIE MELLON UNIVERSITY

**The Hon. J.M.A. LENSINK:** I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Premier, a question about Carnegie Mellon scholarships for public servants.

Leave granted.

**The Hon. J.M.A. LENSINK:** On 15 June, at the seminar entitled Institute of Public Administration Australia Seminar: South Australia's Strategic Plan—One Year On, the Premier made the following statements in a speech to those assembled:

> . . . the government will award about 20 scholarships to the new Adelaide branch of Carnegie Mellon University. These will be awarded on a competitive basis. . . they'll be for state public servants working at the ASO 7 and 8 and MAS grades.

He continues:

> I believe the involvement of public servants will be a perfect fit. . .

that is, with Carnegie Mellon. He goes on to say:

> . . . it has a very strong reputation in fields relevant to South Australia. It's number one in the US for computer science and IT. And it rates very highly in areas such as business management and public administration.

An article of 1 November last year in *The Australian* in relation to Carnegie Mellon's coming to South Australia stated:

> Carnegie Mellon executives visited Adelaide, and it is understood some form of financial contribution was expected from the state and federal governments for the scheme to be a success.

A spokesman for the University of South Australia said it was pleased the government had turned its back on a plan mooted in 2002 to combine the three universities. Why has the Premier specifically selected Carnegie Mellon for these scholarships, that is, what is wrong with our other universities? I note that the University of South Australia, Flinders and Adelaide Universities all offer computer science and IT programs. Flinders University has a well developed public administration program, and Adelaide University and the University of South Australia both offer business management. How much will each student scholarship be worth? Is it true that the government has no idea how much the fees will be? Did the government go through a competitive process in deciding on Carnegie for these scholarships, or is this an example of old Labor going back to its State Bank days of picking favourites in the marketplace rather than relying on competitive tendering and proper evaluations—

**The PRESIDENT:** Order! The honourable member is starting to introduce opinion into the debate. You know that you should not be doing that, Ms Lensink; you have been here long enough.

**The Hon. J.M.A. LENSINK:** How will meritorious public servants who may be interested in other areas, such as environmental studies, tourism and so forth, benefit from this program, and how will this program differ from the existing study programs in which HECS and postgraduate fees have been paid? As the Commissioner for Public Employment has previously identified, public servants also lack significant skills in accounting, finance, economics and property management and valuation.

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I am disappointed that the honourable member does not recognise that the Carnegie Mellon proposal has been given significant support by her federal government colleagues. Presumably the same criticisms also apply to Alexander Downer and other members of the federal government who have been extremely helpful in establishing this, because they are smart enough to realise that the Carnegie Mellon University is one of the most reputable universities in the world. The areas in which it is particularly strong are information technology and public administration.

The highest rating Australian university in public administration is the Melbourne Institute. The chair of that university was at a meeting earlier this year and welcomed the introduction of Carnegie Mellon because he said it would be a challenge to his university, which has the best reputation in public administration in the country—that is recognised. However, he welcomed Carnegie Mellon because it would lift the calibre of public administration education throughout this country. This government wants the best qualified public administrators in the country, and that is why we will support them to go to the best courses.

We are grateful for the support of the federal government which, unlike the local Liberals, appreciate the benefits of some policy initiative and development, which this government is doing, rather than the knockers opposite who can only ever criticise anything that is done. This university might actually do something positive to elevate the educational standards in Australia—and would not that be a good thing? It will obviously have to be done over the dead bodies of members opposite, because they will do everything they can to stop it.

**The Hon. J.M.A. LENSINK:** By way of supplementary question, will the minister guarantee that the state government will not provide any more subsidies to Carnegie Mellon to either attract it or to retain it in South Australia?

**The Hon. P. HOLLOWAY:** The assistance that the government has given to Carnegie Mellon has been supported by the commonwealth government. The state government appreciates the support that the honourable member's federal colleagues have given in relation to this matter. This government has given significant amounts of money to our local universities. Within my own department we are funding an automotive engineering course, and recently through PIRSA we funded a chair of mineral development under cover.

We announced just yesterday during question time a grant of $2.5 million to the University of South Australia, to AMSRI, the strategic minerals research institute, which will become one of the foremost institutes. My colleagues have just announced $8 million, I think, that is going to automotive engineering courses through the location of a new campus. We have just given an enormous amount of money—$7.5 million, I think—to the wine cluster at Waite, which is

the University of Adelaide. Of course, that follows on from all the money that we have given to the Australian Centre for Plant Functional Genomics: and on it goes. This government is highly supportive of all our educational institutions. We are also pleased to have another new institution: the university with the best possible reputation in this country in relation to key areas such as information technology and public administration—and is that not a good thing?

**The Hon. J.M.A. LENSINK:** Sir, I have a further supplementary question. Do I take it from the minister's reply he is saying that the courses that are expected to be run at Carnegie Mellon are superior to those provided by all other South Australian universities?

**The Hon. P. HOLLOWAY:** What I am saying is that this university is recognised throughout the world as being in those two areas that I have mentioned. Universities are rated, and some are rated higher than others. In terms of public administration, this university is ranked around the world as having a very high reputation. That is true in public administration and I believe it is also true in IT. In those two areas, this university's degrees are rated by those who rate universities throughout the world as being right up there at the very top. I think that, sadly, our best universities in this country are well down the list, but one of the things that we hope will happen as a result of Carnegie Mellon is that it will lift the standard of Australian universities. That was exactly the point that the head of the Melbourne University Business School made in his address earlier this year. He welcomed Carnegie Mellon and he welcomed the competition it would bring, because it would elevate the standards in this area.

I would have thought that members opposite would believe in competition. They sold off electricity—but that is not really competition; they did not create any competition with that because they sold it off as a monopoly. However, that is another story. Certainly, some years ago the Liberals used to believe that competition was a good thing—in fact, their federal colleagues obviously believe it is a good thing in relation to education. The top practitioners in this country also believe that it will be a good thing.

## PORT STANVAC OIL REFINERY

**The Hon. A.J. REDFORD:** I seek leave to make an explanation before asking the Minister for Industry and Trade a question about contaminated sites and Mobil.

Leave granted.

**The Hon. A.J. REDFORD:** On 13 April this year I asked a series of questions regarding the abandoned Mobil refinery site at Port Stanvac and, in particular, questions about the Premier's task force on the future of the Mobil site (which was announced some two years ago); the options regarding the future use of the land; the site contamination report announced by the Deputy Premier 18 months ago and its public release; and the remediation plan and Mobil's scope for work. Not surprisingly, none of those questions has been answered. Since then I have issued a series of freedom of information applications (the only way in which you can obtain information from this lot) directed at the Department of the Premier and Cabinet and the Environment Protection Authority. The Department of the Premier and Cabinet sought an extension, which expires on 16 July, which I have marked in my dairy. The EPA has told my office, following its provision of documents, the following:

> The audit is being done at the behest of Mobil. As far as we know, the audit is not finished and we cannot confirm that it has actually begun. The auditor has agreed to provide it to the EPA when it is finalised, although he is under no legal obligation to do so.

That is notwithstanding the fact that it is a condition of the Mobil licence that it provide this information and undertake an audit. The 2004-05 budget papers promised site contamination legislation. I note that, with only one day left to expire in the 2004-05 year, we are yet to see any site contamination legislation. I am told by some stakeholders that the government is proposing not to deal with site contamination legislation until after the next election. I assume it is thinking that it can get away at this election with what it got away with at the last election, that is, no policies.

I am also told that Mobil has appointed Mr John Bazelmans of URS Australia as an auditor of the Mobil site. Indeed, Mr Bazelmans, in a paper delivered last year, stated the following as a principle of environmental audit:

> Only risk sites need clean up. A site is at risk if on-site human health is at risk; or if off-site human health or off-site environment is at risk. Therefore—

and I emphasise this point—

> an on-site environmental risk is not likely to lead to a clean-up requirement unless market forces—

and I emphasise this—

> (not regulatory forces) dictate.

In other words, the only reason to clean up your own site, if you are Mobil, is if you are required to do so by market forces, and I have to say that that is concerning. In light of that, my questions are:

1. When will the minister answer my questions of 13 April 2005 regarding the site contamination report and the remediation action plan?

2. Does the government agree with Mr Bazelmans' assertions regarding the non-requirement to clean up a site if there is no environmental damage beyond the boundaries of that site; and am I to understand that, if environmental issues are confined to the site, no requirement to clean up the site will be imposed?

3. Why has the government failed to introduce contamination legislation, and will it do so, or at least announce a policy, before the next election?

4. Has the government received the environmental assessment report that is required under the licence conditions and, if so, will the government release that report publicly?

5. Has the government received the remediation action plan prepared by Mobil, as required under the agreement, and will that be released publicly?

6. Is there any contamination off site and, if so, has the local community been advised?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** Of course, as the Hon. Angus Redford has already shown with his press release in the *Southern Messenger* several weeks ago, he has got it completely wrong, as is his wont. He stands up in this place and pretends to be an authority on all things. He suggested several weeks ago that Mobil was—

**The Hon. A.J. Redford:** Why don't you answer my question?

**The Hon. P. HOLLOWAY:** Is the honourable member going to apologise for misleading the people of the southern suburbs with his erroneous comment?

*The Hon. A.J. Redford interjecting:*

**The Hon. P. HOLLOWAY:** Well, the honourable member gave them erroneous information. We checked with Mobil, and they said what the honourable member said was wrong. That is this person's track record. In relation to the honourable member's question, which referred to a question he asked earlier, I understand that that answer is in the system, and the honourable member should be getting it shortly.

**The Hon. A.J. REDFORD:** I have a supplementary question, Mr President. What was erroneous about what I said?

**The Hon. P. HOLLOWAY:** I believe it related to the sale. The honourable member suggested that Mobil was moving out of the site, or selling the site or something. However, whatever it was that he said, it was wrong.

**The Hon. A.J. Redford:** I'll bet your house and mine, they're not coming back.

**The PRESIDENT:** Order!

**The Hon. A.J. Redford:** The minister knows they are not coming back.

**The Hon. P. HOLLOWAY:** So, in other words, your opinion is all that counts, is it?

**The PRESIDENT:** Order! The minister will come to order, too. The minister does not have the call, either. The Hon. Mr Sneath has the call

## KANGAROO ISLAND, ECOTOURISM

**The Hon. R.K. SNEATH:** I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about a proposed ecotourism development at Hanson Bay on Kangaroo Island.

Leave granted.

**The Hon. R.K. SNEATH:** Has the proponent asked that the Minister for Urban Development and Planning declare this proposal a major development and, if so, what is the status of this request?

**The Hon. P. HOLLOWAY (Minister for Urban Development and Planning):** I am pleased to advise the council that on 23 June I declared a proposal to develop an ecotourism accommodation lodge at Hanson Bay on Kangaroo Island, a major development under section 46(1) of the Development Act. As council members may be aware, Hanson Bay is a pristine and extremely beautiful area on the southern coast of Kangaroo Island between Flinders Chase National Park and the Kelly Hill Caves Conservation Park. The site of the proposal is within the South Coast Ecological Area, which contains the largest proportion of the island's native vegetation and, according to the 2001 Biodiversity Plan for Kangaroo Island, supports a significant number of threatened species.

The initial proposal meets the criteria for development advocated in 'Responsible Nature-based Tourism Strategy 2004-2009', which has been co-authored by the South Australian Tourism Commission and the Department for Environment and Heritage. However, it is extremely important and appropriate that a proposal of this nature undergo a rigorous process of environmental assessment through a major development process. Mr James Baillie of Baillie Lodges is the proponent for this proposal which has an estimated value of $10 million and which would be located on a 109 hectare privately-owned site. The development proposes:

- A main lodge, including reception, library, large open lounge, ancillary restaurant, meeting room and staff facilities;
- 25 guest suites linked by an enclosed walkway and a ramped corridor to the lodge;
- A separate building housing a wellness spa; and
- An ancillary staff village with seven separate accommodation buildings to house up to 20 staff.

The development would also require infrastructure upgrades, including access roads and walking trails. It is anticipated that clearance of native vegetation would be required for approximately one hectare of the site for the lodge itself, as well as some additional clearance for bushfire prevention infrastructure requirements. The impacts of this native vegetation clearance, along with other aspects of the proposal, will be fully assessed through an environmental impact assessment process under the major development application. However, I stress that a declaration pursuant to section 46 of the Development Act does not indicate support or otherwise for such a proposal; it merely triggers the assessment path that the proponent must follow. In this case, that includes the preparation of an environmental impact statement. I can advise the council that, subsequent to this declaration, I will be writing to the proponent requesting a formal development application for consideration by the Major Development Panel.

**The Hon. SANDRA KANCK:** I have a supplementary question. Does this project comply with the Kangaroo Island Development Plan?

**The Hon. P. HOLLOWAY:** The reason this is going up for assessment is so that all such factors can be examined. I am advised that the only way this project can be properly assessed against the criteria is through the process I have determined. The government has no view on that until that process has been completed.

**The Hon. Sandra Kanck:** Does that mean no?

**The Hon. P. HOLLOWAY:** As I said, I have declared this a major project. It will be assessed under section 46, as is proper; that is the only way the project can be properly considered. It will be assessed, and it will be assessed against the relevant benchmarks.

**The Hon. SANDRA KANCK:** I have a further supplementary question. If that answer meant no, why does the minister not simply say no to Baillie Lodges?

**The Hon. P. HOLLOWAY:** As I have indicated, this particular proposal does meet the criteria for a responsible nature-based tourism strategy; so, surely, it deserves serious consideration. What do members opposite want?

*The Hon. Sandra Kanck interjecting:*

**The Hon. P. HOLLOWAY:** Well, if the Democrats oppose it, then so be it: they oppose everything.

**The Hon. D.W. RIDGWAY:** I have a supplementary question. I visited this region just recently. Can the minister explain exactly where the proposed development is in relation to the existing buildings at Hanson Bay?

**The Hon. P. HOLLOWAY:** I believe that they would be about one kilometre due east of where the shacks are currently located on the foreshore at Hanson Bay. I have not visited the site myself, but I have seen the maps in relation to that.

**The Hon. D.W. RIDGWAY:** I have a further supplementary question. What is the expected cost of the infrastructure upgrade?

*An honourable member interjecting:*

**The Hon. D.W. RIDGWAY:** Due west.

**The Hon. P. Holloway:** Yes; due west.

**The Hon. D.W. RIDGWAY:** That makes it sound a little better. What would be the cost of the infrastructure upgrade required?

**The Hon. P. HOLLOWAY:** Obviously, that would need to be addressed by the proponents. As I said, the proponent of this proposal has an estimated value of $10 million, but it would have to put up an environmental impact statement and address those issues that are being raised.

## WHYALLA DUST

**The Hon. IAN GILFILLAN:** I seek leave to make an explanation before asking the Minister for Emergency Services, representing the Minister for Health, questions about the health impacts of red dust on East Whyalla.

Leave granted.

**The Hon. IAN GILFILLAN:** 'Health impacts of particulate matter: a compilation and discussion of evidence with a focus on Whyalla issues' is a study headed 'draft for discussion' and dated 17 March 2004. I refer to a couple of selected passages on Eastern Whyalla as follows:

> An intervention study involving the iron industry and associated community (Utah steel mills) has already shown convincing reductions in respiratory admissions during plant closure. . . Unlike major urban studies, PM10 in eastern Whyalla is of a higher concentration, has higher 24 hour peaks and much higher short-term peaks. Work in Port Pirie shows that short-term peaks produce the major part of indoor contamination and that indoor exposure from re-suspension of the indoor dust reservoir adds substantially to total inhalation exposure. Exposure assessment in Whyalla needs to take account of the day, arid environment, short as well as long-term PM10 levels and substantial indoor exposure. Comparison with research evidence from quite different settings with lower exposure may well under-estimate health impacts.

I emphasise that: 'well under-estimate health impacts'. The discussion paper continues:

> The well being of the population in question should include health outcomes other than death and other crudely measured parameters of ill health. Health outcomes such as eye, nose and throat irritations, odour and loss of amenity due to PM also impact negatively on people and should be incorporated in the risk assessment. . . The relationship between PM and health effects is not a product of chance, bias or confounding. After appraising the evidence for causation by exploring time-order relationships, consistency of results, reversibility of effects and dose response effects, there is little doubt that PM has a direct effect on health, albeit with different health effects depending on the specifics of the particle.

That is clear evidence contained in an extensive study, which is in the hands of the Minister for Health, and has been now for well over a year, identifying in scientific specification the health damage and risk to the residents of East Whyalla from the dust deposition. My questions are:

1. Is the minister aware of the contents of the draft discussion paper that I have just referred to?

2. Does she disagree with the conclusions regarding the health impacts of red dust on the residents of eastern Whyalla? If so, will she produce the evidence upon which she rejects the conclusions? If she agrees with the conclusions, what steps has she taken, or will she take, in order to protect those residents?

3. Does she acknowledge that there could be a tragic situation similar to that caused by asbestos and silicon exposure developing in East Whyalla where the detrimental health effects will emerge in the years ahead?

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** My colleague the Leader of the Government in the chamber gave, I think, a very good explanation in relation to the industry issues concerning this matter, but I will refer the honourable member's question to the Minister for Health in another place and bring back a response.

**The Hon. NICK XENOPHON:** As a supplementary question, can the minister indicate what research and what materials the government has in relation to exposure to this type of dust, either here in Australia or anywhere else, in terms of potential health risks?

**The Hon. CARMEL ZOLLO:** Again, I will refer those questions to the Minister for Health in another place and bring back a response.

## MEN'S HEALTH

**The Hon. A.L. EVANS:** I seek leave to make a brief explanation before asking the minister representing the Minister for Health a question regarding men's health.

Leave granted.

**The Hon. A.L. EVANS:** The minister recently announced that our state's new women's health policy will bring women's health to the forefront of health reform. The minister is aware of the serious health crisis impacting on our state's male population. For example, morbidity data indicates that men have higher levels of sickness for most common and serious illnesses; men suffer from a greater rate of cancers that are not sex related; men suffer from a greater level of severe mental illness; and men are at much higher risk of suicide.

In 2003 I asked a question on health services available to men. In the minister's reply she stated that funds specifically for men's health had been allocated across a number of health programs, including $20 270 for therapeutic and relationship support groups; $40 000 for men's health promotion and information services; $16 000 of recurrent funding to the Men's Information and Support Centre; $25 200 for a new fathers program; $17 00 for indigenous men and youth programs; $47 700 for male survivors of childhood sexual abuse; $23 618 for young men's health programs; $29 000 for men's sexuality and health consultation; and $15 000 for the development of men's health and wellbeing best practice guidelines. The minister stated in her reply that many of the programs were in the early stages of development. My questions to the minister are:

1. Of the programs mentioned in her reply, would the minister advise how many programs continue to be delivered in South Australia to this day?

2. Will the minister advise whether there has been an increase or decrease in the funding allocated for men's health programs since May?

3. Will the minister advise whether a formal interagency men's committee exists networking all the key government and non-government men's support organisations? If not, why not?

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** Can I say at the outset that It would be unfortunate if we were to pit money for women's health against that for men but, nonetheless, I will take the honourable member's

questions to the Minister for Health in another place and bring back a response.

## ROADS, SOUTH

**The Hon. D.W. RIDGWAY:** I seek leave to make a brief explanation before asking the minister representing the Minister for Transport and Infrastructure a question about the South Road upgrades.

Leave granted.

**The Hon. D.W. RIDGWAY:** I noted from page 46 of the State Infrastructure Plan that the state government has pledged to build a 600-metre tunnel on South Road under Grange Road, Port Road and the Outer Harbor to Adelaide passenger rail line, and an underpass under South Road at the Anzac Highway intersection. The tunnel and underpass will improve the flow of traffic to two of the state's most congested bottlenecks. That was on page 46 of the Infrastructure Plan. On page 50, a time line states:

> Develop reliable and efficient transport links for the North-South corridor through Adelaide focusing on the upgrade of South Road.

It mentions a constructed underpass at Anzac Highway, a tunnel under Port and Grange Roads, the Adelaide to Outer Harbor line upgrade, and an upgrade to South Road between Port and Torrens Roads. The time frame given is between 2005-2006 and 2009-2010, a period of five years. A further point states:

> Undertake further improvements to South Road traffic flow.

This has a time frame of 2010-2011 to 2004-2015, which is some 10 years away. I noticed that two budget lines appear in the recent budget handed down by Treasurer Foley: South Road Tunnel under Port Road and Grange Roads, $5.13 million; and the South Road underpass on Anzac Highway; $5.13 million. Since this project was announced, I have regularly driven along South Road, especially in peak hour in the morning, to gauge how the government may attempt to cope with the traffic flow, and also how these projects may alleviate some of the problems. It has come to my attention that the new upgrade of the Glenelg to city tram intersects with South Road just after the underpass at Anzac Highway. So, I have a number of questions that arise from that observation, as follows:

1. Has the government considered what it will do with the traffic flow once it comes under Anzac Highway and then meets the tram crossing with new trams and increased services and, therefore, more delays to the traffic?

2. Has the government considered traffic congestion as a result of the construction over a five-year period initially but, then, as stated in the State Strategic Plan, another 10 years of traffic flow congestion?

3. Has the government considered some alternative route, or is the travelling public of South Australia to expect 10 to 15 years of traffic delays to achieve this outcome?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** It is a sad fact that if you are going to build road infrastructure there will be some dislocation during the construction period. We had it with the Hills tunnels, and that was managed very well by the engineers in the Department of Transport, and I am sure that they will also manage these projects very well. It is a fact of life that if you are going to build roads there will be dislocation. We had it when the overpass was built on South Road over the Cross Road/Emerson rail link crossing but, thanks to good planning, the traffic continued to flow. I am not really sure what point the member is making. Yes, obviously there will be some sort of dislocation if you are going to build new roads but, when they are finished, all road users will be much better off as a result of those completed projects.

## PUBLIC ADVOCATE

**The Hon. KATE REYNOLDS:** I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Attorney General, a question regarding funding for the Office of the Public Advocate.

Leave granted.

**The Hon. KATE REYNOLDS:** I refer to an article printed in *The Independent Weekly* of 5 June which featured an interview with the Public Advocate, John Harley. The article states that South Australia was the first state to appoint a public advocate, and this was in 1995, when the legislation came hot on the heels of Australia's signing a UN-sponsored international covenant on the right of the mentally ill—and it was considered pretty progressive legislation at that time. The article quotes Mr Harley as saying:

> Since then we've rather stood still.

The article continues:

> While he technically has the same basic role as his counterparts interstate. . . a lack of resources has turned South Australia into a follower rather than a leader.

In the 2003-2004 Annual Report of the Public Advocate, Mr Harley says:

> Whilst we were fortunate enough last year to receive additional funding for 1.0 FTE guardian. . . the increase in the number of guardianships has far outgrown these (additional) resources. . . there has been a consistent increase each year since 1999. . .

He goes on to say that it is now an increase of 85 per cent over five years. I understand that this is the first and only increase in resources to the office since it was established 10 years ago. In his annual report, Mr Harley goes on to talk about the increasing range of services and responsibilities that the office has to undertake. I will not outline all of those, as I am being conscious of time here. I would certainly urge honourable members to look at those themselves: they are very clearly spelt out, and very concerning.

I am aware that the Public Advocate asked for an increase in funding in the last budget and was refused. In the last annual report, he also goes on to outline a number of unmet needs. The annual report states:

> The following matters continue to remain unaddressed or are inadequately addressed from my previous reports:

I will just summarise those points. The first is a bill of rights; then a lack of appropriate facilities for adolescents and young adults with a mental disorder; the lack of facilities and programs for brain injured people; a lack of an appropriate range of alternative community-based facilities for people with a mental illness; the need for appropriate and additional programs, and he is concerned about the lack of residential and respite care for people with an intellectual disability; the need for an investigation into the sexual and other abuse of people with intellectual disability in government and private institutions; a justice support program; a lack of assistance and advocacy for people appearing before the Guardianship Board; the cost of administration of a protected person's estate by the Public Trustee; and, lastly, a community visitor program staffed by volunteers to regularly visit and report to the Public Advocate on all facilities providing services to people with a mental incapacity.

On that last point, I understand that an internal report was prepared for the Minister for Families and Communities to establish such a scheme but that it has been put on hold. I also note that my colleague the Hon. Sandra Kanck is currently seeking comment on a private members' bill to establish the scheme. My questions to the Attorney-General are:

1. On what basis has the Office of the Public Advocate been refused a funding increase in the 2003-04 and the 2005-06 financial years?

2. Will he be seeking an appropriate increase in funds for the Office of the Public Advocate in the 2006-07 financial year?

3. Of the unmet needs specified on page six of the Public Advocate's 2003-04 annual report, which have been addressed?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I will refer the questions to the Attorney-General and bring back a response.

## MATTERS OF INTEREST

### HOSPITALS, ARDROSSAN

**The Hon. R.K. SNEATH:** As the Minister for Health recently pointed out in the press, the condition of the health services across Australia requires some radical surgery. Achieving this cross fertilisation of state and federal responsibilities and finances will not be an easy task, but it was refreshing to see the minister's forthright honesty on this matter. It is a pity, however, that the opposition has not been as open and balanced in its pronouncements on health matters. Concerning health issues, under the opposition deputy leader and former minister for health, we saw matters raised in the Attorney-General's reports on the MRI scandal and the Some Matters of Importance report, and also where the DHS in 1999-2000 failed to comply with the spirit and intent of the then Treasurer's instructions in regard to advanced payments of $20 million.

Even the *Independent Weekly* has picked up on the former minister's downgrading of state mental health services when in office and his uninformed and naive attack on the government for the current situation. And now we see the opposition deputy leader's criticism of the government for not building a new hospital in the Barossa region, something which he and the member for Schubert could not deliver during their period in government. Regardless of their lack of credibility on matters of health, opposition members continue to embarrass themselves over regional health funding, in this case over recent pronouncements on the plight of the Ardrossan Private Hospital.

The member for Goyder unwittingly highlighted the opposition's inconsistency in his response to the Supply Bill in the other place and, essentially, in the same address in his response to a letter from the Minister for Health. The government Minister for Health pointed out that, given that the hospital's business plan was heavily contingent upon the federal government meeting the hospital's plan for an increase in aged care beds, the state government would wait upon the federal response. This, I thought, would be a reasonable response. This lack of federal response is not mentioned by the member for Goyder whatsoever. One wonders how disappointed he was at not being present at the public meeting.

The member for Goyder also said that regional South Australia and his electorate are being ignored. What is actually happening in some areas of health and education at the state level? The School Pride initiative is seeing $25 million spent on state schools, with many regional schools being recipients. In fact, in the 2004-05 to 2006-07 period, $48 million has been allocated to upgrade schools in regional South Australia. We also see the government's emergency allocation of $50 000 to Ardrossan Hospital, which matches the previous minister for health's emergency funding for that hospital. As the minister's announcement on funding for the hospital was made after the member for Goyder's Supply speech, I would expect the opposition to give the same praise to the government for its emergency package as the member for Goyder gave to the previous Liberal member's generosity. In addition, we heard the government's budget announcements on regional funding and the health minister's announcement of a $27 million assistance package for country doctors. Do we have the opposition's support for these?

In the *Yorke Peninsula Country Times*, we read reports of the promises made by the shadow minister for health on his recent visit to Ardrossan Hospital, when he described the government's assistance of $50 000 as 'totally inadequate', while giving general assurances about the future viability of the hospital. No mention, however, was made of any approach by the opposition to the federal government to further fund aged care beds in regional areas, especially since the federal government delivered another big budget surplus and ignored the pressing future need for more aged care places on Yorke Peninsula. The shadow minister promises much for Ardrossan Hospital, and I support the need for a strong and stable hospital there. However, my point is that I call for honesty, not point scoring.

Finally, let us look at the record of the previous government in regard to health services in the region. A letter recently published in the local paper, the *Country Times*, stated:

> Mr Dean Brown can believe all he likes that hospitals will have their grimmest year. But we will never forget when our local hospital had to close its doors twice and cancel all surgery due to lack of money.

It appears that the opposition has a conveniently short memory of events under its watch. However, South Australians know that, when the Hon. Dean Brown was minister for health, the whole state was neglected.

### McROSTIE, Mr T.J., DEATH

**The Hon. R.D. LAWSON:** I wish to use this opportunity to pay tribute to the late Trevor John McRostie, who passed away on 18 June 2005. Trevor McRostie was a long-serving public servant in the Public Service of the state, and I knew him when he worked at Workplace Services in an executive position. I had the pleasure of working with Trevor during the almost two years I held the portfolio of workplace relations, and I know that he worked for a number of other ministers over many years. I had regular meetings with Trevor McRostie on a range of issues, especially industrial relations matters, but also others concerning Workplace Services. He was a very well-informed, sensible, compassionate and forthright adviser and executive. He had a commonsense and good-humoured approach to problems, and I found him to be an exemplary public servant. He had a very good grasp of

industrial relations matters. He was not at all partisan in his approach to those matters and gave me frank and fearless advice, as I am sure he did other ministers.

It was sad to attend Trevor's funeral last week. However, I was delighted that not only his family and friends were there in abundance but also many of his friends and colleagues from the Public Service, including the present Minister for Workplace Relations. In my dealings with Trevor McRostie not only did we deal with the matter of industrial relations, in which he was an expert, but we also had a number of issues concerning Workplace Services—for example, workplace safety and the regulation of machinery.

A number of major incidents concerning the safety of amusement devices occurred during my term. There was a tragic death and a number of other incidents causing injuries which required a policy approach to the issue in which Trevor McRostie made a significant contribution. In the field of dangerous goods, I remember fireworks—and the regulation of the fireworks industry was a major regulatory and difficult political issue in which Trevor McRostie's commonsense and sound judgment came to the fore. Likewise, in the perennial area of shop trading hours, although it was not his specific responsibility, his advice was always sound and well received. On all the matters in which Trevor McRostie dealt, he had a good mind, an extensive knowledge and a very sensible approach.

At his funeral, we heard of his childhood and also of his athletic prowess as a youth. He had some considerable success as a professional athlete; and his brother told some amusing stories that were typical of Trevor McRostie the man. I must say that I was unaware of his athletic prowess. We also heard of his love of horseracing (an interest of which I was aware) and the particular pleasure he gained from participating in the ownership of a number of horses over the years. I was also aware of the very great affection and pride in which Trevor held his family, his wife, Jane, and their two children, Kate and William, both of whom are still at school. Trevor McRostie died too young. He suffered a long illness which forced his retirement, and that illness was fatal. He will be fondly remembered and held in high regard by all who had the pleasure to work with him.

## INDUSTRIAL RELATIONS

**The Hon. G.E. GAGO:** I rise today to draw attention to a recent situation involving a worker that demonstrates the incredible hardship that the Howard government's proposed changes to industrial relations will have on workers and their families. The South Australian branch of the AWU has brought to my attention an appalling situation where one of its female members returning from maternity leave was recently sacked by her employer Air International. I have been told that the union took the woman's case to the Industrial Relations Commission after the company refused to give the woman back her previous position following her return to work after having a baby. I have been informed that Air International initially gave a commitment and reassurances to this woman about her return to work after her maternity leave, and then it did a backflip which ended up resulting in its terminating her employment.

I must admit that I am shocked at Air International's behaviour. In the past, it has been renowned for having a pretty good track record when it comes to industrial relations, but its treatment of this particular woman, from what I have been told, really puts a big blot on its copy book. I have to say that I find this to be an incredible situation: not only is maternity leave a fundamental industrial right but it is essential to the health and wellbeing of Australian families and society in general. It underpins the financial security of Australian families. Families need to be able to plan and depend on their income. Maternity leave provisions which include certainty about return to work arrangements help provide security to families.

I understand that the AWU will appeal this new mother's termination using the unfair dismissal laws in the South Australia Industrial Relations Commission. This shameful example should send alarm bells ringing for all Australian workers because it highlights a situation which will occur for women and other workers in a similar situation to the one which I have just outlined under Howard's proposed industrial relations changes.

**The ACTING PRESIDENT (Hon. J.S.L. Dawkins):** The honourable member will refer to the Prime Minister by his proper title, rather than just his surname.

**The Hon. G.E. GAGO:** Once Mr Howard's changes are implemented, workers employed in companies with fewer than 100 employees will have to take unfair dismissal claims to the Federal Court. Even where a company employs more than 100 workers (such as in the example I have given), I understand that this woman would lose her current opportunity for a straightforward appeal. I am sure that I do not need to remind members in this chamber of the costly, and often extremely time consuming, processes of appeal that are involved when dealing with unfair dismissal cases in the Federal Court compared with the state system. The federal rules are far more complex and arduous. This will create a great deal of unnecessary trauma and stress at a time when a new mother and her family already have more than enough to cope with and adjust to. It is miserable enough to have to face the prospect of losing your job and income, but then to have the duress of being dragged unnecessarily through the Federal Court, instead of much simpler, quicker and cheaper state system, is a travesty. I understand it costs around $1 500 a day to be represented in the federal court.

This is what Australian families will have to face under Mr Howard's new order. Mr Howard has the audacity to promote himself as pro family and a friend to families. This new order is nothing but a charade to support big business's interests at the expense of ordinary workers. It is ordinary working people and their families who, clearly, will suffer. Of course, we know it is not just Mr Howard's proposal to abolish protection from unfair dismissal for 4 million workers employed in companies with fewer than 100 staff that will hurt working families.

Other changes include allowing employers to put workers onto individual contracts that cut take-home pay and reduce employment conditions; change the minimum wages to make them lower, effectively abolishing the award safety net and replacing it with just five conditions; keep unions out of workplaces; and reduce the capacity for workers to bargain collectively. Unfortunately, I have time to mention only a few of Mr Howard's proposed changes that will hurt Australian families and undermine Australian living standards and the Australian way of life.

## MOUNT GAMBIER HEALTH SERVICE

**The Hon. D.W. RIDGWAY:** I rise today to speak about the ongoing sad saga of the Mount Gambier Health Service

and the South-East Regional Health Service. I remind members that this saga has been going on for some three years—and longer. The headline in *The Border Watch* of Friday 30 May 2003 was 'Fix it Mr Rann', and a diagram or a drawing next to the headline states:

Here lies our health system. . . R.I.P. 2003.

The article states:

General surgeon Mark Landy—leaving—

he has left—

General surgeon Richard Strickland—retiring; General surgeon Brian Kirkby—no contract, doubtful—

he has gone—

Anaesthetist Kevin Johnston—no theatre contract—

he has gone—

Anaesthetist Roger Gulin—no contract—

he has gone—

Anaesthetist Steve Simmons—heads of agreement, but no contract—

he is out on stress leave—and permanent stress leave. It continues:

Obstetrician, gynaecologist Richard Henshaw—left.

The article continues:

In the wake of today's state budget, the South-East's 60 000 people have no access to a resident general surgeon if they visit a doctor with a lump in the breast, a prostate problem or a child with a hernia. In such cases, the region's general practitioners will advise patients to go to Adelaide or over the border to Victoria. The crisis is a result of the state government failing to renegotiate contracts with Mount Gambier resident medical specialists. The Australian Medical Association claims the issue is 'very serious'.

On Friday 12 September 2003, the headline is, 'I'll fix it, or I'll quit. McEwen [the member for Mount Gambier] delivers a non-negotiable budget demand.' The article states:

Member for Mount Gambier Rory McEwen has vowed to resign from the Rann Government's cabinet ministry if more money is not poured into the embattled Mount Gambier Hospital. 'I will resign (if this is not resolved). I am asking him (Treasurer Foley) for this money. I am demanding the money,' said Mr McEwen, who held a crisis meeting with Mr Foley on Wednesday night. 'I have told Treasurer Foley this. I have laid it on the line here and now that we are not taking a cut, end of story.'

'But my demands are non-negotiable; there will be enough money. There will be no cut to the (health) budget.'

His comments follow a shock announcement on Wednesday that medical services and staffing levels across regional hospitals could be cut because of a $1.15 million shortfall in the South East draft health budget. Mr McEwen—who was recruited to the Labor ministry last November—conceded he had been 'standing back' from the issue and had possibly failed the community to date.

I agree that he has failed the community. Mr McEwen further said:

The question of going to cabinet was always a difficult one. I thought I could do more for this community by being in cabinet, than not. If I can't get this fixed, then there is no point in me being in cabinet. I need to take much more of an active role. I have perhaps left it too long, but it is now time I took a much more active hands-on role in terms of not only resolving the present funding issues but equally signing off on a long-term plan and a vision (for the hospital). That's not saying that in the future we don't want improvements, but we are not going backwards. Like it or lump it, that is the demand I have made.

Mr McEwen also claimed that he had made 'enormous personal sacrifices' to be a minister. In my Appropriation Bill contribution last year, I mentioned that one area of concern was regional health care services in South Australia, that a glaring example was the Mount Gambier District Health Service, and that the member for Mount Gambier (who was in cabinet) had promised that he would quit. On ABC Radio, Dr Hayden Manning said:

If I was living in rural South Australia I reckon Rory McEwen deserves a letter or a ring because, after all, Mr McEwen's an independent elected down there at Mount Gambier who sits in the Rann cabinet room, he's a minister and rural health, from reading the budget on all accounts. . . has been cut back or at least. . . in real terms not improved.

Further, he said:

South Australians living in rural South Australia have a voice in cabinet, in a Labor cabinet and it's Mr McEwen. So, If you're unhappy about that I reckon it's worth writing [to him or giving him a call].

Saturday's *Weekend Australian* revealed the nation's 26 worst hospitals. What a blight on this government that we have 7 per cent of the nation's population and now 11½ per cent of the nation's worst hospitals, and they are all in rural and regional areas. They are the Jamestown Hospital and Health Service Incorporated, the Mannum District Hospital Service Incorporated and the Mount Gambier and Districts Health Service Incorporated. What a joke that this government and the Hon. Bob Sneath says that this government cares about rural South Australians. What a joke! Mr McEwen should resign.

Time expired.

## MENTAL HEALTH

**The Hon. KATE REYNOLDS:** I rise today to speak about the still disgraceful situation with asylum seekers and mental health services in this state. Members will be aware that, on at least six occasions, I have asked questions in this place about how the state government is involved in the provision of mental health services. In fact, on 24 May (just after a separate ward had been opened at Glenside Psychiatric Hospital), I asked again about the memorandum of understanding between DIMEA and the state government and why that had not been finalised.

Also, I asked whether the state government had made a submission to the Palmer inquiry about the treatment of Cornelia Rau. About two weeks ago the health minister (Hon. Lea Stevens) was reported in, I think, the *Sunday Mail* as saying that the state government is picking up the cost for the provision of these mental health services. I made a submission to the Cornelia Rau inquiry being conducted by Mr Palmer, and I forwarded copies of the questions I had asked previously. My submission states:

As both my questions and the South Australian government's answers reveal, the failure by the federal and state governments to reach an agreed position about how detainees will be treated is a significant contributing factor to the substandard—and many would argue—unprofessional treatment meted out by both DIMEA and its employed or contracted doctors to detainees suffering severe psychological trauma.

I went on to detail how I had spoken with psychiatrists and mental health nurses who had reported that their concerns had been disregarded by DIMEA, the federal government and the former and current ministers for immigration and South Australian government officials on the basis that immigration is a federal issue. I went on to talk about the changing community understanding and expectations as to how asylum seekers will be treated, about the damage done to individuals and families and how that is clearly no longer acceptable to the Australian public. I said:

It is my view that the South Australian government must be held accountable for its role in the poor treatment and the continued

deteriorating mental health of both adult and child detainees incarcerated within its borders.

I also detailed our view that it is appropriate that responsibility be apportioned where it can be clearly demonstrated; that parties other than the federal government were aware of the problem and did not make an appropriate response.

I discussed how I thought the South Australian government knew how dire the situation was but still did not take appropriate action. The Public Advocate mentioned in his submission to the current select committee on mental health his concerns about the fact that he has no right of access to detainees within Baxter. In February 2005 I asked whether the state government would seek to have the Public Advocate given jurisdiction to intervene on behalf of detainees in Baxter, but sadly we are still waiting for a response.

I would also like to put on the record some concerns about the issues of housing and homelessness facing detainees. A study recently been done by the Australian Housing and Urban Research Institute shows that people on temporary and permanent protection visas are having extreme difficulty gaining housing in either the private rental market or public housing. They talk about increasing numbers of people on bridging visas who are having to access services for the homeless because they are unable to secure any form of reasonable housing. This is a matter of great concern to the Australian Democrats. I would be interested to know whether the state government has taken any interest in determining how many asylum seekers have presented for such assistance in South Australia.

Lastly, I would like to put on the record my extreme frustration when I learnt yesterday that state government funding which had been provided for one year only for a part-time coordinator of the Circle of Friends Groups expired in August 2004 and has not been renewed. More than 60 groups have been providing practical assistance and support to people on bridging and other visas. They have raised half a million dollars to be distributed as living allowances, but this state government is too mean-spirited and miserly to continue funding this position. Blame can be apportioned to the federal government as well, but surely the state government can find some funds to reinstate that position and help those community groups to help asylum seekers.

Time expired.

## MALAYSIA

**The Hon. T.G. CAMERON:** Following my recent study tour to Kuala Lumpur I would like to bring to the attention of members the significant benefits for South Australia in further developing its economic, cultural and social relationship with Malaysia. I will begin with a very brief overview of the Malaysian economy and highlight some of the key areas that South Australian business can pursue in the region. Malaysia has a stable market with a GDP of $115.4 billion compared with South Australia's GDP of $45.8 billion. GDP in Malaysia is growing at 5.4 per cent per annum compared with 3.7 per cent in South Australia. Malaysian unemployment is tracking at 3.5 per cent compared with 5.3 per cent in South Australia. Malaysia has a young population with 33 per cent being under the age of 15 compared with South Australia's much older population with 18.1 per cent being under the age of 14 and 15 per cent being over the age of 65.

Malaysia is an important trading partner for South Australia. As an export destination for South Australian products, Malaysia ranked 12th in size in 2001-02 with exports worth $227 million. As a source of imports, Malaysia ranks 18th with imports growing steadily from $34.6 million in 1995-96 to $95.1 million in 2001-02. In addition, Australian tourism to Malaysia has grown by 40 per cent in the last few years. Over recent years Malaysia has broadened and deepened its manufacturing base. Malaysian companies are capable of producing quality products at competitive prices.

Competitive products which can be sourced from Malaysia and which are required by Australia include: fertilisers; rubber tyres; paper and paper articles; tubes, pipes and steel fittings; heating and cooling equipment; sound and video recorders; furniture; integrated circuits; and vegetable oils—in fact, their manufacturing base is improving all the time. Some automotive parts and components have been sourced from Adelaide. Malaysian and South Australian business people have been actively involved in business ventures in both countries. Malaysians seeking goods, services and technologies recognise that Australia is price competitive, in close proximity and more familiar with doing business in Asia than our natural competitors.

Key opportunity sectors for South Australian business exist in the following areas: food and agribusiness; retail; franchising and licensing; consumer products; education; training and consultancy; health; ICT; building and construction; defence; and oil and gas. Other trade opportunities exist in the following areas: food and beverages; tourism and hospitality; mining minerals and primary resources; specialised manufactured goods; and, particularly, education and training. However, before investing in Malaysia, it is important that Australian investors research the market first to assess their competitiveness, define and know their competitive advantages, remain focused and be prepared to make multiple trips to the market.

I also recommend that the government investigates reopening the South Australian government office in Kuala Lumpur. In light of the growing economic relationship with Malaysia, our long history and the large investment potential, I believe the decision to close the office may have been short-sighted and should be further examined.

I also strongly suggest that bilateral relations be established between Business SA and the Malaysian International Chamber of Commerce and Industry, as there exist excellent opportunities for South Australian investors considering doing business in Malaysia. Business relationships between the two chambers should be given a higher priority. Both Mr Ron Williams, my research officer, and I were warmly welcomed during my visit. I would like to thank the following people for their hospitality as well as their professionalism in briefing me on a vast range of issues: Mr Tom Yates, Acting Senior Trade Commissioner and Counsellor, and Ms Lauren Bain from the Australian High Commission; Mr Tan Ah Yong, Deputy Director General of the Malaysian Industrial Development Authority; Mr Stewart Forbes, Executive Director, and Mr Ramesh Menon, General Manager, of the Malaysian International Chamber of Commerce and Industry; and Mr Stephen Green, South Australian General Manager of Malaysian Airlines.

Time expired.

## COUNTRY PRESS SA AWARDS

**The Hon. J.S.L. DAWKINS:** Earlier this year I was pleased to attend the 2004 newspaper awards dinner conducted by Country Press SA at Glenelg. For the first time, the

30 member newspapers were judged in three classifications: circulation figures under 2 500; circulation between 2 500 and 6 000; and circulation over 6 000. Previously, only two categories (under 5 000 and over 5 000) had been prescribed.

The winner of the section for under 2 500 was *The Loxton News*. This was the second successive year that the paper had won its category, having taken out the under 5 000 class for 2003. Second place went to *The Plains Producer* at Balaklava, and third place to *The Pennant* at Penola. *The Murray Valley Standard* at Murray Bridge was adjudged the winner of the section for papers with a circulation between 2 500 and 6 000, with the *West Coast Sentinel* at Ceduna and *The Recorder* of Port Pirie placed second and third respectively. In the category for circulations of 6 000 and above, the winning newspaper was *The Border Watch* of Mount Gambier, the runner up was *The Courier* at Mount Barker, and third place was awarded to *The Times* at Victor Harbor.

This was the fourth occasion on which I had been involved in the award for best community involvement. Sponsoring this award has again provided me with the opportunity to emphasise the strong links between country newspapers and the communities they serve. For the first time, I did not judge the award this year. This task was given to experienced former journalist Paul Clancy. I thank Mr Clancy for the time and effort he clearly undertook in adjudicating this section of the awards. First prize was awarded to *The Leader* of Angaston, second place was shared by *The Loxton News* and *The River News* of Waikerie, while the *Port Lincoln Times* was placed third.

I congratulate the executive of Country Press SA for conducting these annual awards, which highlight and encourage the high standards of journalism, communication and community spirit exhibited by all rural and regional papers across the state. These standards also extend beyond the South Australian border into western New South Wales and the Northern Territory.

In the time remaining I will go through the winners of the other awards announced on that evening. First, the Excellence in Journalism Award was taken out by Paul Mitchell from *The Loxton News* with second place going to Cathryn Probst of the *Yorke Peninsula Country Times* and third place to Nan Berrett of the *Northern Argus*. In the category for editorial writing, *The Border Watch* was the winner, with second place going to *The Islander* and third to *The Times* at Victor Harbor. Best front page category was won by the *Yorke Peninsula Country Times*, second to *The Plains Producer* and third to *The Courier*. The award for best news picture was won by Mr John Pick of *The River News* and second place went to *The Bunyip* and third to the *Murray Valley Standard*. Best sport picture was won by *The Barrier Daily Truth*, with second place going to the *South Eastern Times* and third to *The Plains Producer*. The award for best supplement was won by *The Times* of Victor Harbor, ahead of the *Murray Pioneer* and the *Murray Valley Standard*.

The award for best advertising feature was won by the *Yorke Peninsula Country Times* and high commendations were awarded in that category to the *Northern Argus*, the *Katherine Times* and *The Courier*. The best advertisement was won by the *Yorke Peninsula Country Times*, second place went to *The Courier* and third to *The Bunyip*. Finally, the category of best sports story was won by Liz Walsh of the *Port Lincoln Times*. Second place went to Sarah Slee of the *Roxby Downs Sun* and third place went to Kay Calder of *The Plains Producer*. Again I congratulate the Executive Officer, Margaret Manuel, and the executive of Country Press SA for conducting these awards, which I know are highly regarded within the country press industry in this state.

Time expired.

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## OCCUPATIONAL HEALTH, SAFETY AND WELFARE (SAFEWORK SA) AMENDMENT BILL

In committee.

(Continued from 2 June. Page 2115.)

Clause 32.

*A quorum having been formed:*

**The CHAIRMAN:** There is a crossover in respect of the amendments of the Hon. Mr Gilfillan and the Hon. Mr Redford. It might be advantageous if the Hon. Mr Gilfillan moves his amendment, and we will discuss them together.

**The Hon. IAN GILFILLAN:** I move:

Page 24, after line 17—

Insert:

(2a) The minister must consult with the board of management of WorkCover before making a determination under subsection (2).

(2b) If there is a disagreement between the minister and the board of management of WorkCover as to the amount to be paid under subsection (1) in respect of a particular year, the board of management may, after publication of the determination under subsection (2), furnish to the minister a written statement setting out its reasons for its disagreement with the minister.

(2c) If a statement is furnished under subsection (2b), the minister must cause copies of the statement to be laid before both houses of parliament within 12 sitting days after the statement is received by the minister.

**The CHAIRMAN:** Does the member want to explain his amendment now?

**The Hon. IAN GILFILLAN:** Yes.

**The CHAIRMAN:** I understand that the minister will respond to both members and then we might have to report progress.

**The Hon. IAN GILFILLAN:** My amendment is an attempt to put into legislation the observations I made previously when we were looking at the Occupational Safety, Rehabilitation and Compensation Committee's recommendation about transparency and consultation with respect to the issue of resources being transferred from WorkCover to Workplace Services. This clause deals with section 67B of the act, which is entitled 'Portion of WorkCover levy to be used to improve occupational health and safety'. My amendment addresses the determination of the amount of the levy which should be transferred.

**The CHAIRMAN:** There has been a logistical problem, Mr Gilfillan. The Hon. Mr Evans has lodged an amendment, which must be moved before that of the Hon. Mr Gilfillan. In order to fulfil the standing orders of the practices of the committee, we must deal with the Hon. Mr Evans' amendment because his amendment comes before the honourable member's amendment. I apologise to all members of the committee, but we have only just received the Hon. Mr Evans' amendment.

In order to clarify the situation for the committee, the Hon. Mr Evans will move his amendment. Mr Gilfillan has canvassed his amendment, and the Hon. Mr Redford will have the opportunity to canvass his amendments if he wishes.

Logistically, the Hon. Mr Evans needs to move his amendment at this point.

**The Hon. A.L. EVANS:** I move:

Page 24, line 13—Delete 'The' and substitute:
Subject to subsections (2)(a) and (2)(b), the

My amendment is very similar to that moved by the Hon. Mr Gilfillan. I wanted to try to insert something that indicates that the parliament has the final determination. It is of concern to me that a minister has huge power to spend a lot of money. I have always worked with committees and organisations where you present the finances and everything needs to be accountable, and this seems to me to be a huge amount of money that can be pushed around as the minister wants. The Hon. Mr Gilfillan's amendment goes pretty close to it, but I wanted to add further strength by saying that this should be passed by both houses of parliament.

**The Hon. CARMEL ZOLLO:** Before responding to the Hon. Andrew Evans I will respond to the Hon. Ian Gilfillan, as we had greater notice of his amendment. Since progress was reported, the Hon. Ian Gilfillan has filed his amendment and I indicate that the government will be supporting it. One of the shadow minister's reasons for proposing this clause was that exempt employers were concerned. The simple answer to that is that their representative body, the Self-Insurers Association of South Australia, supports this proposal.

The shadow minister claimed that there was nothing to suggest that there will be a smooth transition: as the shadow minister is probably aware, exhaustive work has been undertaken by WorkCover and Workplace Services to deliver a smooth transition. The shadow minister claimed that another concern was that there would be conflicting responsibilities between advice and assistance functions and enforcement functions: the reality is that Workplace Services has always carried out both those roles very well—and it will continue to do so, just like every other regulatory body. In support of this claim, the shadow minister referred to the Law Society; however, I am advised that the president of the Law Society has indicated his very clear support for this proposal to the minister in the other place.

The shadow minister also claimed that part of his rationale for proposing this was that the authority does not have a requirement to meet a certain number of times. As members would appreciate, this clause is not about the proposed SafeWork SA Authority, which has been renamed by the shadow minister's amendment; it is not relevant to this clause. The shadow minister also claimed that he had concerns about funding issues: the issue of funding has been addressed and further transparency is added by the Hon. Ian Gilfillan's amendment.

I can also advise that since progress was last reported the government has received further support from industry for the proposal to consolidate occupational health and safety administration in SafeWork SA. Business groups such as the Australian Mines and Metals Association, the Hardware Association of South Australia, the Australian Hotels Association, the Agribusiness Employers Federation, Business SA, the Apple and Pear Growers Association, the Motor Trades Association, the Employer Dentists Federation of South Australia, the Engineering Employers Association of South Australia, the Australian Medical Association, and the Recruitment and Consulting Services Association have all come forward and stated their unequivocal support for this clause of the bill.

**The Hon. A.J. Redford:** Unequivocal support as amended or unequivocal support according—

**The Hon. CARMEL ZOLLO:** For the clause.

**The Hon. A.J. Redford:** Subject to any amendments or as it stands, as you have introduced it?

**The Hon. CARMEL ZOLLO:** It was unequivocal support as moved by the government, but they are also supporting the Hon. Ian Gilfillan's amendment. As I have said before, employer groups and employers such as the Self Insurers Association of South Australia, the Master Builders Association, the Registered Employers Group of South Australia Incorporated, Sealy International and Allianz Insurance support this. Business and the union movement want this. The stakeholders most affected by this proposal are its biggest supporters. Surely, that is a clear sign of the merits of the proposal. There is support for this proposal because South Australian employers and workers want safe workplaces, and they believe that this will help make our workplaces safer and maximise WorkCover's focus on its core function of injury management.

It would be tragic if this place did not support the results of three years of consultation, supported by business and unions, as well as by an extensive parliamentary committee inquiry. We must make our workplaces safe so that all South Australians can go home to their families safe and well each and every day after work. Let us not forget what we are talking about here. Every worker is someone's mother, father, son or daughter; that is what this is all about. We do not want to see South Australian families ripped apart by tragedy of workplace injuries. I strongly commend this clause to all honourable members.

As to support for the Hon. Mr Gilfillan's amendment, I refer specifically to Business SA. Also, the government is unable to support the Hon. Andrew Evans' amendment, which creates too much capacity for mischief-making by holding up health and safety funding for ulterior motives. This proposal means that, if there is mischief-making to hold up parliamentary approval, there will be no funding for workplace safety. Business supports the government's proposals, and they are the people who pay WorkCover levies. In three years of consultation, no suggestion was made that parliament should have to approve the funding. With respect, we cannot accept the Hon. Andrew Evans' amendment.

**The Hon. A.J. REDFORD:** I will not canvass the issues again that I canvassed back on 2 June, when I outlined why the opposition opposes this. In three sentences, it comes down to this. Firstly, there is no demonstrable improvement in occupational health and safety outcomes as a consequence of this and, indeed, the parliamentary committee received absolutely no evidence that there would be a demonstrable improvement in occupational health and safety outcomes. The majority of the report, or the report itself, unanimously acknowledged that there was no such evidence.

Secondly, we opposed it on the basis that this enabled the government to park up a pantechnicon in front of the money coffers of WorkCover and, basically, with gay abandon, help itself to whatever money it saw fit subject to the view of the minister of the day. The third issue that we raised was that of the adverse impact it would have on the institution of WorkCover. In that respect, the Bottomley report set out that, in its view, something in the order of one-third of the work force and one-third of the discretionary budget would basically move over to WorkCover.

Finally, we pointed out that a report was sought by WorkCover from Access Economics in May 2003, a report that post-dates the Stanley report, which underpins this particular measure. What that review says in summary is that it is unlikely that this 'demerger', as it is called in this report, is likely to achieve any specific outcomes. It particularly pointed to 'diseconomies' to be expected from a 'demerger' of this kind and went on to say that there is likely to be an additional cost to industry. Significantly, it said:

> If synergies have been achieved within WorkCover, for example through information sharing. . . the destruction of such synergies could increase WorkCover's risk.

So, according to Access Economics, we have an increased risk to WorkCover, an increased cost to employers and no evidence to the parliamentary committee that there will be any improvement in occupational health and safety. It is interesting to note that that report—which is significant—was hidden from the parliamentary committee and ultimately took some pretty significant effort on my part, having to go all the way to the Ombudsman—and thank God for the Ombudsman—to get that report and uncover what was hidden by WorkCover. The final point I make is that WorkCover never bothered to put a position or viewpoint to the parliamentary committee.

That, in summary, is the argument that the opposition has put. In response to that, the Hon. Ian Gilfillan has sought at least to make the process of the transfer of money a little more transparent, and I acknowledge the genuineness of his intent. I note that the Hon. Andrew Evans has sought to make it slightly more transparent and at least involve some independent umpire in the process, that being the parliament, should there be a major dispute between WorkCover and the minister. The minority report set out these arguments pretty clearly. The report was tabled in parliament back in October last year, and I provided a copy of that report and my draft thoughts to Business SA and certain business groups prior to its actually being formally incorporated in the minority report and invited it, because I knew its initial position, to come back to me and say precisely what is wrong with the thought processes of the opposition in relation to that.

Interestingly enough, to this very minute I have not received one piece of correspondence or one phone call from Business SA saying why I am wrong. All I have received is that all these organisations are supporting it. I can count and, I suspect, in the long run they may get what they wish for and they may well live to rue the day. I must say that it was not until 2 June 2005 that I was made aware by Business SA that the spokesperson for this bill was Mary Jo Fisher, and that was only as a consequence of the letter read into *Hansard* by the government. I must say that that is a bit disappointing, and I suppose that the communication between Business SA and the opposition has substantial room for improvement.

That sums up the position of the opposition. We have outlined the arguments and our concerns, and we have not received at any stage any definitive statement from anyone to say why we are wrong. All we have heard is, 'Everybody is lined up and everybody wants to do this.' I suppose, from time to time in parliamentary debate, if people want something, irrespective of the merits of it, they get it. In the context of that, it is disappointing that the minority position has been out there since October last year. Now, the minister says—and I will deal first with the Hon. Andrew Evans' position—that the imposition of parliament in this process is mischief-making. Governments say, 'Look; when parliament gets involved in any decision, it is mischief-making.' I do not see that as anything other than a statement that this government does not have any confidence in this parliament to deal with this issue, and that is disappointing. I spoke to the Motor Trades Association shortly before coming into the chamber, and they said to me that they are seriously concerned about the lack of transparency in terms of the money that is being shifted over. I think that the Hon. Ian Gilfillan has made a valiant attempt to try to sort out that issue but, with the greatest respect, I think he has failed.

We have seen an example of what happens when an independent institution decides that it is going to disagree with a government minister, given the conduct of the Treasurer in his dealings with the Director of Public Prosecutions. You might remember that it was only a few short weeks ago when the Director of Public Prosecutions said, 'I disagree with the Treasurer. I think the Treasurer is unduly interfering in my task, so I am going to mention that in my annual report.' He did the government the courtesy of telling the Attorney-General, and what did this government do? It walked in and, through the Treasurer, delivered a 10 minute ministerial statement absolutely bagging the Director of Public Prosecutions. That is the problem I have with the Hon. Ian Gilfillan's amendment. I can see exactly what is going to happen. If there is a disagreement—and this board is actually not being all that courageous about its disagreements with government, and the Hon. Ian Gilfillan would understand that, based on the premise that the board was not courageous enough to put its viewpoint about the merits or otherwise of this bill—and, assuming we do get a courageous board, a minister will stand up and tear it to bits in a ministerial statement. So, I am not sure that that is going to advance it at all.

I note the minister's comments about the Housing Industry Association, and I have a copy of the Business SA letter which, again, fails to deal with any of the merits of the opposition's arguments and fails to address any of those arguments at all, which is disappointing. I have a letter from Brenton Gardner of the Housing Industry Association, which states:

> HIA is concerned that the transfer of funds will result in an adversarial and prosecution-based mentality to the detriment of education and cooperation. The dual and potentially conflicting responsibility of Workplace Services, of engaging with employers in a consultative and advisory fashion in relation to OH&S on the one hand, and being the prosecutor on the other, needs to be addressed.

That has not happened. This bill does not deal with that concern at all. The HIA goes on to state in this letter to the minister dated 15 November 2004:

> HIA would seek to see a quarantining of the grants funds and education funds to ensure that those functions continue to be fully funded and are not used simply to appoint more inspectors.

Again, that has not been addressed. The letter goes on to state:

> While the bill does provide that a portion of the WorkCover levy be used to improve Occupational Health and Safety, and requires that a specified percentage will be specified and consented by the minister, the provisions are, in the view of the HIA, still not sufficiently precise so as to quarantine the funds, and the HIA would seek a greater degree of clarity in the legislation than that which currently appears.

Neither of the amendments specifically deal with that, nor has the government, since this letter in November and since the minority report in October last year, sought to deal with any of those concerns in relation to this issue. In my discussions with the MTA, it was concerned about precisely those issues.

That is our position. We oppose the transfer. We think that this will cause WorkCover significant problems. We believe that it will cause significant disruption without any demonstrated improvement in outcomes in terms of occupational health and safety.

The opposition might have even considered that there has been some improvement in occupational health and safety, that there is a fully funded WorkCover scheme, and that there have been some extensions in terms of workers and granting them certain limited common law rights. We would have perhaps considered a model based on the Victorian scheme, where the whole of the workplace safety function was shifted not out of WorkCover but into it. However, this government found the worst performing workplace safety regime in the country—that is, New South Wales—and said, 'We are going to follow their model.' It was New South Wales that found itself in serious trouble because it decided that it was not going to have lump sum payments. Again, we get a Mountford report dealing with the terms and claims management within WorkCover, which follows the New South Wales model, which is in serious difficulty. All the while, Victoria is sitting over there getting everything right; getting itself fully funded; and improving occupational health and safety—yet we ignore all of its reforms. That is perplexing to the opposition.

In summary, I will not take up anyone's time any longer than this. Our position is this: we do not believe that the Hon. Ian Gilfillan's amendment is transparent enough and, as a consequence, we will oppose it. We will support the amendment of the Hon. Andrew Evans and, irrespective of the result of either of those two, we will oppose this clause.

**The Hon. IAN GILFILLAN:** Having listened probably several times to the position put by the Hon. Angus Redford, I am not convinced that a formula applied in any particular jurisdiction is the answer to the most efficient and effective exercise in workplace safety and workers' compensation. It is really the efficiency, the attitude and the dedication of the people who are involved. When we originally looked at the whole principle of WorkCover in the mid-eighties, I was convinced at that stage that it was a very important role for WorkCover, or whatever the body was to be called, to have a large mandate for occupational health and safety. I have since come to an opinion that this may be a distraction and that there is a distraction between the two arms of workers' compensation and the proper application of that, and a full dedication to workplace safety.

From a personal point of view and a Democrat philosophical point of view, we are not wedded to either of the two formulae that may be put forward by the Hon. Angus Redford in talking about the New South Wales versus the Victorian procedure. I think that, historically, it is not of great advantage to South Australia. We have to row our own boat. I think that it is important to read from this report, which is quoted quite frequently, and from the recommendation that I referred to in an earlier contribution. I refer to the WorkCover comment and then the Business SA quote to put it into some degree of context. It states:

> The proposed manner for transferring a portion of the levy from WorkCover to Workplace Services is arbitrary and not transparent. WorkCover did not make a specific submission in relation to the Safe Work Bill but did state that they were 'Working cooperatively with Workplace Services to work through the Bottomley and Access Economic reports and agree the level of resource transfer which will happen on the passing of the bill'.
>
> Business SA suggested that a process be developed to enable the business community to have input into the amount of funds to be transferred. Whilst the Bill provides for a percentage to be determined by the Minister and for that amount to be gazetted, Business SA stated that a far more transparent system than variation by the Minister was preferred. Mr Frith for Business SA stated that '. . . it may be more appropriate that there is a process in place which goes through the authority to determine the amount needed to fund a range of activities that are taking place, rather than just a broad scale percentage being transferred. We believe in a process whereby the amount of funds being transferred are clearly allocated for particular purposes and activities and there is transparency, rather than a percentage and an amount being transferred.

In my view, the amendment we are putting forward is the best attempt to legislate for the transparency and the scope for the WorkCover Board to clearly indicate to the parliament and, through parliament, to the people of South Australia any area of serious disagreement that the board may have with the determination of the minister. The amendment moved by the Hon. Andrew Evans takes a further step than my amendment and states:

> . . . the amount payable under subsection (1) will be determined by resolution passed by both houses of parliament.

The problem with the amendment is that houses of parliament are not equipped to fix on specific amounts of money an allocation to specific tasks. This is a very complicated area, and it is my conviction that, in goodwill, the cooperation between the minister, or the people in his or her department, and WorkCover will come to a fair and effective determination of the amount. The problem with its being passed by resolution of both houses—and it does not matter which party is in power—is that the other party is likely to use the occasion at least to make critical comments, if not condemn outright and vote against, any measure that could result in deadlock.

In my view, responsible legislation does not give to the parliament the opportunity to deadlock the transfer of funds for an absolutely essential service to be provided to the work force in South Australia. It does not matter whether or not it is a point-scoring exercise. Point-scoring, mischief-making and taking the opportunity to do a bit of grandstanding in the run-up to an election are far too expensive indulgences to allow them to be made available through legislation. For that reason, I urge the committee not to accept the amendment of the Hon. Andrew Evans. I understand that he believes it will add more security to a proper assessment and determination, but I think he has been in this place long enough to be aware of how disputatious the proceedings are in this place—and, dare I say, they may be even more so in the other place. However, the difference is that it is more unlikely that the government of the day will not have a majority.

I make the point that no system will be perfect, but I believe that the amendment I have on file is the best way that we can offer transparency and the ability for the WorkCover Board clearly to indicate where it has a disagreement with the minister's determination. On that basis, parliament is its own master. It can move motions, condemn and put pressure on the government. However, to leave it, as the Hon. Andrew Evans amendment provides—to eventual vote and resolution by both houses—I believe is a recipe for chaos.

**The Hon. NICK XENOPHON:** I indicate that my position is to support the Hon. Ian Gilfillan's amendment, rather than the amendment of the Hon. Andrew Evans. I do not necessarily support the view that the amendment of the Hon. Andrew Evans will lead to mischief, but I am concerned about the practicality of it in terms of how it will work in a practical sense. It could cause chaos in respect of the collection of the levy in terms of the levy rate being set. I can

understand the good intent of the amendment of the Hon. Andrew Evans. My primary reservation about the clause in its original form was one of transparency, and I believe the Hon. Ian Gilfillan's amendment deals with that. It will ensure that, if there is a dispute, the process will come to light; and, in my view, that satisfies my concerns.

I know there is a seminal issue in terms of the way in which this is structured—and the Hon. Mr Redford has articulated that well—but I still believe we ought to go down this path and have some greater transparency. I sincerely hope that we will see real improvements in occupational health and safety, particularly in respect of serious injuries and death.

**The Hon. CARMEL ZOLLO:** Before responding to the Hon. Angus Redford, I commend the Hon. Ian Gilfillan for his comments that parliament is not equipped to fix amounts of money in relation to such matters and that parliament should not be about deadlocking the distribution of funds to a government agency. He is exactly right: grandstanding should not be allowed to hold up crucial funding. In relation to some of the comments made by the Hon. Angus Redford, I have to say that stakeholders believe there will be a positive effect on WorkCover. Stakeholders believe that it will improve workplace safety. The Hon. Ian Gilfillan's amendment will increase transparency. WorkCover has no evidence to suggest there will be increased risks. WorkCover does not expect any increased costs. As to the economies of scale mentioned in the report, the report says:

> However, the possibility exists that offsetting economies of scale will be achieved in Workplace Services or elsewhere through the demerger. In that case, the demerger could conceivably have no immediate financial costs or even achieve savings overall.

As to the Hon. Angus Redford's comments in relation to the Housing Industry Association, quite clearly they are in a very small minority. I talked about the Master Builders Association. It is a very clear minority, with the vast bulk of employer groups supporting the government's proposals.

**The Hon. A.J. REDFORD:** Given that there is such a preponderance of support for my bill in relation to the amendment to section 54 from communities, will the government support my bill? The answer is no.

**The Hon. CARMEL ZOLLO:** I point out to the honourable member that it is somewhat irrelevant to this.

**The Hon. A.L. EVANS:** If my amendment is carried, this issue will never be brought to parliament. It will be one of those issues that will force the board and the minister to agree rather than go to parliament, and so all the arguments about parliament being a major place and becoming chaotic will not happen. In a practical sense, they will say, 'Guys, let us get this right. Let us fix it up here rather than go to parliament.' I moved this amendment because all my life I have believed in financial accountability, and that has been the stumbling block for me in the bill.

The Hon. Mr Redford's amendment negatived.

**The CHAIRMAN:** The question is: that the word 'the' stand as part of the bill.

The committee divided on the question:

AYES (9)

| | |
|---|---|
| Gago, G. E. | Gazzola, J. |
| Gilfillan, I. | Holloway, P. |
| Kanck, S. M. | Reynolds, K. |
| Sneath, R. K. | Xenophon, N. |
| Zollo, C. (teller) | |

NOES (10)

| | |
|---|---|
| Cameron, T. G. | Dawkins, J. S. L. |
| Evans, A. L. (teller) | Lawson, R. D. |
| Lensink, J. M. A. | Redford, A. J. |
| Ridgway, D. W. | Schaefer, C. V. |
| Stefani, J. F. | Stephens, T. J. |

PAIR

| | |
|---|---|
| Lucas, R. I. | Roberts, T. G. |

Majority of 1 for the noes.

Question thus negatived.

**The CHAIRMAN:** The question now needs to be determined in line with the Hon. Mr Evans's original amendment that the words proposed to be inserted by him, namely, 'Subject to subsections (2a) and (2b), the', be so inserted. Those for that question say aye, against no. I think the ayes have it.

**The Hon. CARMEL ZOLLO:** Divide! I ask that progress be reported.

**The Hon. A.J. REDFORD:** I rise on a point order, Mr Chairman. The minister called 'divide'.

*Members interjecting:*

**The Hon. A.J. REDFORD:** I am sorry, but I am tired of this. The minister called 'divide', and I insist that the division take place.

*Members interjecting:*

**The CHAIRMAN:** Order! I put the question again. Let me go back and keep everyone calm. The question is that the words proposed to be inserted by the Hon. Mr Evans, in lieu of the word 'the' just struck out, namely, 'Subject to subsections (2a) and (2b), the' be so inserted. Those for that question say aye, against no. I think the ayes have it.

**The Hon. T.G. CAMERON:** Divide!

**The CHAIRMAN:** A division has been called for; ring the bells.

*Members interjecting:*

**The CHAIRMAN:** The Hon. Mr Cameron called 'divide'.

The committee divided on the Hon. Mr Evans' amendment:

AYES (9)

| | |
|---|---|
| Dawkins, J. S. L. | Evans, A. L. (teller) |
| Lawson, R. D. | Lensink, J. M. A. |
| Redford, A. J. | Ridgway, D. W. |
| Schaefer, C. V. | Stefani, J. F. |
| Stephens, T. J. | |

NOES (10)

| | |
|---|---|
| Cameron, T. G. | Gago, G. E. |
| Gazzola, J. | Gilfillan, I. |
| Holloway, P. | Kanck, S. M. |
| Reynolds, K. | Sneath, R. K. |
| Xenophon, N. | Zollo, C. (teller) |

PAIR

| | |
|---|---|
| Lucas, R. I. | Roberts, T. G. |

Majority of 1 for the noes.

Amendment thus negatived.

**The CHAIRMAN:** Sequentially, we need to have the Hon. Mr Gilfillan move his amendment again. The process has become very complex with late arrivals and the intricacies of the interaction between the amendments. I think we will end up with the same result, but there is a procedure, practice and a protocol of the parliament which I am endeavouring to uphold.

**The Hon. IAN GILFILLAN:** Mr Chairman, I am sure you have total understanding and control of the situation, and I trust you. I understood that I had already moved my amendment, but I move:

Page 24, after line 17—
Insert:

(2a) The minister must consult with the board of management of WorkCover before making a determination under subsection (2).

(2b) If there is a disagreement between the minister and the board of management of WorkCover as to the amount to be paid under subsection (1) in respect of a particular year, the board of management may, after publication of the determination under subsection (2), furnish to the minister a written statement setting out its reasons for its disagreement with the minister.

(2c) If a statement is furnished under subsection (2b), the minister must cause copies of the statement to be laid before both houses of parliament within 12 sitting days after the statement is received by the minister.

The committee divided on the amendment:

AYES (10)

| | |
|---|---|
| Evans, A. L. | Gago, G. E. |
| Gazzola, J. | Gilfillan, I. (teller) |
| Holloway, P. | Kanck, S. M. |
| Reynolds, K. | Sneath, R. K. |
| Xenophon, N. | Zollo, C. |

NOES (9)

| | |
|---|---|
| Cameron, T. G. | Dawkins, J. S. L. |
| Lawson, R. D. | Lensink, J. M. A. |
| Redford, A. J. (teller) | Ridgway, D. W. |
| Schaefer, C. V. | Stefani, J. F. |
| Stephens, T. J. | |

PAIR

| | |
|---|---|
| Roberts, T. G. | Lucas, R. I. |

Majority of 1 for the ayes.

Amendment thus carried.

**The Hon. A.J. REDFORD:** I move:

That new section 67B be struck out.

The committee divided on the question:

AYES (9)

| | |
|---|---|
| Cameron, T. G. | Dawkins, J. S. L. |
| Lawson, R. D. | Lensink, J. M. A. |
| Redford, A. J. (teller) | Ridgway, D. W. |
| Schaefer, C. V. | Stefani, J. F. |
| Stephens, T. J. | |

NOES (10)

| | |
|---|---|
| Evans, A. L. | Gago, G. E. |
| Gazzola, J. | Gilfillan, I. |
| Holloway, P. | Kanck, S. M. |
| Reynolds, K. | Sneath, R. K. |
| Xenophon, N. | Zollo, C. (teller) |

PAIR

| | |
|---|---|
| Lucas, R. I. | Roberts, T. G. |

Majority of 1 for the noes.

Question thus negatived.

**The Hon. A.J. REDFORD:** I move:

Page 24, line 3—Delete 'Authority' and substitute 'Advisory Committee'

This amendment is consequential.

**The Hon. CARMEL ZOLLO:** Obviously, this amendment is consequential, and we will not support it.

Amendment carried.

**The Hon. CARMEL ZOLLO:** I move:

Page 24, line 38—Delete 'prepared' and substitute:
completed for the purposes of subsection (1)

I understand that this amendment is at the suggestion of the Hon. Iain Evans in the other place, and it relates to the five-yearly review of the act. This amendment reflects the undertakings the minister made in the other house to provide greater clarity. As proposed by the opposition during the lower house debate, the government has introduced a number of amendments to clarify the arrangements for the tabling of SafeWork SA reports before both houses of parliament. This amendment proposes essentially the same arrangements as introduced by government amendments Nos 3 and 4—in this case, for the report on the five-yearly review of the act; that is, copies of the report must be laid before both houses of parliament within 12 sitting days after the report is received by the minister.

Amendment carried; clause as amended passed.

Clause 33.

**The Hon. A.J. REDFORD:** This clause will be opposed, and it is consequential.

**The Hon. CARMEL ZOLLO:** It is consequential, and we will not support it.

**The CHAIRMAN:** I ask for the cooperation of honourable members. It has been drawn to my attention that, when we were dealing with section 67B(2), through this complex sequence of events, the Hon. Andrew Evans' amendment deleted the word 'the'. Having completed the discussions and agreed to the proposal, we now have what would appear to be a clerical error without the insertion of the word 'the'. For the sake of completeness, I announce to the committee that I am going to have the word 'the' inserted as a clerical correction.

**The Hon. A.J. REDFORD:** Mr Chairman, we divided on it. I have absolutely no doubt that some members became confused during that whole process, and I cannot say how disappointed I am.

**The CHAIRMAN:** The committee has resolved that the amended new section 67B would stand; without the word 'the' in it, it would be nonsensical and, as the Chair and as I am positively entitled to do, I am ruling to correct that clerical error by reinserting the word. It becomes 'the amount payable' instead of 'amount payable'. The Hon. Mr Redford has opposed clause 33, which is his right, and the minister has indicated that she will be supporting it.

Clause negatived.

Clause 34.

**The Hon. A.J. REDFORD:** I move:

Page 25, lines 10 and 11—delete subclause (3)

This amendment is consequential.

Amendment carried; clause as amended passed.

Clause 35.

**The Hon. A.J. REDFORD:** I move:

Page 25, line 22—delete 'Authority' and substitute:
Advisory Committee

This amendment is also consequential.

Amendment carried.

**The Hon. CARMEL ZOLLO:** I move:

Page 25, line 27—delete 'the Extractive Industries Association' and substitute:
Cement Concrete and Aggregates Australia

This organisation has changed its name and has written to the minister in another place to draw this to his attention. We therefore propose to reflect that in the bill. The inclusion of this organisation was also a recommendation of the parliamentary committee.

**The Hon. A.J. REDFORD:** This clause refers to the Mining Occupational Health and Safety Committee and its make-up. WorkCover instigated a review into the mining and quarrying funds, and I understand that an organisation called Hudson Howells was engaged to review it. The executive

summary made a number of recommendations, which include that a single general fund be established to be administered by SafeWork and that, amongst other things, the fund be used to determine the viability of a 'collaborative research centre' and that money be used for the establishment of a 'centre of excellence' for the research and development of occupational health, safety and welfare and rehabilitation in the mining and quarrying industries. It goes on to recommend that $11 million of the mining and quarrying fund be used to fund a new centre subject to demonstrated feasibility. It goes on to recommend that WorkCover should hold the $11 million of the Mining and Quarrying Industries Fund in trust until the feasibility study has been completed and the findings reviewed. What is the government's response or viewpoint in relation to this Hudson Howells report?

**The Hon. CARMEL ZOLLO:** I advise the honourable member that the points he has raised have nothing to do with the amendment I have moved. I undertake to obtain a response from the minister in the other place.

**The Hon. A.J. REDFORD:** With respect, they might not relate specifically with the amendment, but they do with the clause. The clause deals with the Mining and Quarrying Occupational Health and Safety Committee. We know it has $11 million. We know that there is a report out there suggesting that the money be used in a certain way. I need to know what the government's viewpoint is about the use of that money to establish centres of excellence and the like.

**The Hon. CARMEL ZOLLO:** I advise the honourable member that what he has raised is not relevant to any issue before the parliament. However, as I said, I undertake to get a written response from the minister in the other place.

**The Hon. A.J. REDFORD:** What is it about this minister, Mr Chairman? It is relevant that we are talking about a clause that establishes a committee. It has $11 million, and there is a report about what should happen to this $11 million. All I want from the government, so that we can progress the bill, is what its viewpoint is about the future of this fund, which is part of this clause. There is nothing irrelevant about that.

**The Hon. CARMEL ZOLLO:** This committee continues, and it has been in place for many years. We are not establishing anything here. As I said, I undertake to get a response for the honourable member.

**The CHAIRMAN:** I think that the minister has given a clear commitment to bring the advice to you, the Hon. Mr Redford. There is some point in what the minister is saying about this amendment. We are all aware of your vigilance in these matters and it is probably legitimate information for the opposition to seek. However, I do not know that it has much to do with this amendment. The minister has indicated that she is prepared to provide that advice at her earliest possible convenience. Whether that be today or some other time, I cannot say. I cannot make the minister answer.

**The Hon. A.J. REDFORD:** Through you, Mr Chairman, I understand that you cannot make the minister answer. Without any gratuitous comment about relevance or the like, when does the minister think that she will give me an answer to that question?

**The Hon. CARMEL ZOLLO:** As the honourable member would be aware, I need to raise that with the relevant minister. I have carriage of the bill in this chamber, but I need to raise it with the relevant minister, and I will do so as soon as we finish here and bring back a response.

**The Hon. A.J. REDFORD:** Therein lies the difficulty the opposition has, and I know I probably will not get away with this. But if I ask a question without notice in this place during question time, the earliest I have had an answer from this government is about 10 weeks.

**The CHAIRMAN:** The honourable member is pushing the patience of the committee, and mine in particular.

**The Hon. A.J. REDFORD:** I am happy, if the minister can give me a specific time frame, to let this proceed without further argument. If the minister is going to give me vague generalities of arguments, then I will test the thing, we can report progress, she can come back with an answer and that will be good practice for her for other questions we might have in the future and we can deal with this on another occasion. If the minister can be specific, which is what previous governments did, about when answers will come, I will accept that. All I want is a commitment as to when I can get an answer to my questions.

**The CHAIRMAN:** I do not think the minister can be any more specific than 'as soon as possible'. I do not know how you get a better answer.

**The Hon. IAN GILFILLAN:** Can I suggest, as another member of the committee, that it is not just a two-way observation here. As far as I can tell, a genuine request for information is valid. However, it has no bearing, apparently, on whether the opposition will support or oppose the amendment. It does not have any relevance to any amendment before the committee so, as a member of the committee, I would urge that the committee get on with its business and we do not stall over timing of information coming to one particular member.

**The CHAIRMAN:** That was exactly the position we had before the honourable member made his contribution. I was about to put the question that the amendment be agreed to.

**The Hon. A.J. REDFORD:** Am I to understand that the best the government can do is give me a general statement that I will get an answer to my questions, which deal with the fund that this committee is responsible for, at some stage in the future which the government describes as 'as soon as possible'? If the government can say,' We anticipate within two or three weeks or one month', I will accept that. But 'as soon as possible' is not definitive. If the government does not give me some definitive answer, I will move to report progress and we will divide.

**The Hon. CARMEL ZOLLO:** I advise the honourable member that my response 'as soon as possible' was a genuine one. I am really not sure exactly what is involved. We may have to go to cabinet. I suspect we would have to consult the stakeholders and they would need to have the opportunity to come back to us. As I said, I have responded to the honourable member in good faith. I think he is being a bit petulant, but that is his call.

**The Hon. A.J. REDFORD:** All I want is some time frame as to when I am going to get an answer, because I never get answers from this minister, from the minister responsible for this bill. Never. It is all right for the Hon. Ian Gilfillan to say what he said. For a party that came into existence on 'keep the bastards honest', he is being pretty slack.

Amendment carried.

**The Hon. A.J. REDFORD:** I move:

Page 26, line 33—Delete 'Authority' and substitute:
Department
Page 27—
Line 31—Delete 'Authority' and substitute:
Department
Line 33—Delete 'Authority's' and substitute:
Advisory Committee's

Amendments carried; clause as amended passed.

Schedule 1.

**The Hon. A.J. REDFORD:** I move:

Clause 2, page 28, line 4—
Delete subclause (2)

Amendment carried.

**The Hon. A.J. REDFORD:** I move:

Clause 2, page 28, line 10—
Delete subclause (4)

Amendment carried.

**The Hon. A.J. REDFORD:** I move:

Page 29, lines 4 to 35—Leave out clauses 8 and 9.

**The Hon. CARMEL ZOLLO:** I indicate that we oppose this, and it is consequential on the government winning clause 32.

Amendment negatived.

**The Hon. A.J. REDFORD:** I move:

Clause 11, page 30, line 11—
Delete 'Authority' and substitute:
Advisory Committee

Amendment carried.

**The Hon. A.J. REDFORD:** I move:

Clause 11, page 30, line 20—
Delete 'Authority' and substitute:
Advisory Committee

Amendment carried.

**The Hon. A.J. REDFORD:** I move:

Clause 14, page 30, line 33—
Delete the definition of 'Authority' and substitute:
'Advisory Committee' means the SafeWork SA Advisory Committee

Amendment carried; schedule as amended passed.

Schedule 2 and title passed.

Bill reported with amendments; committee's report adopted.

Bill recommitted.

Clause 21.

**The Hon. A.J. REDFORD:** I move:

Page 18, after line 35—
Insert new subsection as follows:
(1a) To avoid doubt, section 112 of the Workers Rehabilitation and Compensation Act 1986 does not apply in relation to the disclosure of information under subsection (1).

In that respect, subsection (1) requires WorkCover to furnish to the authority information about a range of things. My concern was that there is a very broad interpretation of section 112 within WorkCover, and an absence of information from WorkCover to SafeWork SA would hinder their work. I have sought to insert this to avoid any doubt that the provision of information should be free and flowing to the new SafeWork SA.

**The Hon. CARMEL ZOLLO:** We accept the amendment.

Amendment carried; clause as amended passed.

Bill reported with a further amendment; committee's report adopted.

**The Hon. CARMEL ZOLLO (Minister for Emergency Services):** I move:

That this bill be now read a third time.

First of all, I would like to congratulate the minister, the Hon. Michael Wright, in the other place on this very important piece of legislation, which addresses the fundamental right of workers to see safer work places. It is obviously a piece of legislation that has been before the parliament quite a while. It arises from the 2002 Stanley report, and I think it was first tabled in the other place in May 2002. I take the opportunity to thank all those who have brought this legislation to fruition. I do not have a list of their names, but I would particularly like to thank all the members of the government agencies, some of whom are with us here today in the gallery, other stakeholders, the union movement of South Australia, parliamentary counsel and the minister's staff. It is an historic occasion for this state, and I thank all those involved.

Bill read a third time and passed.

*[Sitting suspended from 6 to 7.45 p.m.]*

## DISABILITY SERVICES

Adjourned debate on motion of Hon. Kate Reynolds:

That the Social Development Committee investigate and report upon the opportunities for people with disabilities as defined under the Disability Discrimination Act 1992 (Cth) and their carers, to take part in all aspects of social, economic, political and cultural life, with particular regard to:

1. The adequacy and suitability of existing accommodation opportunities for people with a disability, including the adequacy of plans to meet targets identified in the SA Strategic Plan for moving people from institutional care into community-style accommodation;
2. Access to appropriate and affordable equipment services, accessible transport, recreation, education, advocacy, rehabilitation and employment services for people with a disability;
3. The adequacy of support services for carers;
4. The adequacy of services for people living outside metropolitan Adelaide;
5. The progress being made by SA government agencies in the development and implementation of disability action plans;
6. The level of protection provided under the Equal Opportunity Act 1984 (SA); and
7. Any other relevant matter.

(Continued from 1 June. Page 2077.)

**The Hon. G.E. GAGO:** On behalf of the government, I rise to support the motion of the Hon. Kate Reynolds, which calls for the Social Development Committee to investigate a range of issues in relation to disability services. However, I do so in an amended form, namely, to insert a second point in the motion. I move:

Before 'That the Social Development Committee' insert '1.'
After paragraph (7), insert—
2. The investigation and report should consider the period from 1997, the date of the second Commonwealth/State Disability Agreement.

I do so, because we cannot begin to understand the achievements of this government in the area of disability services without considering the situation we inherited and the context in which service development has occurred in the past. It is important to understand the current situation and status of disability services in South Australia. During the past three years, the Labor government has worked very hard to address the eight years of neglect of disability services by the previous government. It is important to consider our achievements in the light of this. Since coming to office, Labor has increased disability spending by 31 per cent. The $25 million one-off funding boost is the largest single increase in disability spending in living memory. We will continue to give people with disabilities, their families and carers the highest priority. We have also worked hard to improve the

lives of all South Australians by spending millions more dollars on our hospitals and schools, which play a major role in providing services to people with disabilities and their families.

The South Australian government inherited a system from the previous Liberal government in which disability services clearly were not a priority. There was eight years of funding neglect under the previous Liberal government. We inherited a situation in which we are ranked sixth out of eight jurisdictions in Australia in terms of state funding to the disability sector. When the previous government left office its members were very proud that they had provided 'record funding to disability of $180 million', yet in *Hansard* of 28 June 2001 the disability minister at the time (Hon. Robert Lawson) told parliament that 'in 1997 the Australian Institute of Health and Welfare estimated unmet need across Australia at $300 million'. On our calculations the South Australian figure for unmet need was at least $27 million.

The previous government told South Australians that the privatisation of ETSA would deliver hundreds of millions of dollars for services for our community. On 17 March 1999, the then deputy premier (Hon. Rob Kerin) said that if ETSA was sold 'there would be some real bonuses as far as spending goes'. That never happened and the disability sector continued to miss out under the previous government. The Minister for Disability has often said that there is a great deal of work to do in this area and the hard work continues. With regard to the motion, it is important to define exactly who we are talking about when we refer to people with disabilities, given that there are significant differences between state and commonwealth definitions of disability.

South Australia uses the definition of 'disability' as defined in the South Australian Disability Services Act 1993. Information in relation to disability services is generally collected in relation to the South Australian definition not the commonwealth definition, which is generally much broader. That is something that will no doubt challenge the Social Development Committee in its inquiry. The state government's philosophy about services for people with a disability includes: they should have access to services based on personal development, human rights and a reasonable standard of living; they should have access to services, whatever the nature of their disability, gender, age or ethnic origin; services should be accessible, locally driven, timely, equitable and sustainable; and people with disabilities, their carers and families should feel confident that each required service is accessible and responsive to the needs of their family member with the disability.

Since coming to office this government has increased the disability services budget alone by 31 per cent. The 2005-06 state budget included the biggest ever single injection in disability funding in the state's history. Spending on disability across a range of government services will be increased by $92 million, including an immediate one-off injection of $25 million and $67 million over four years. There have been a number of initiatives in the past three years, of which we are very proud and which we think have contributed significantly to improving disability services.

The South Australian strategic plan sets out a target for our state to increase the number of community-based accommodation options for people with a disability. We have made progress on this target with more community accommodation places, with an associated reduction in the number of residential places in institutions. In three years we are spending $3.8 million extra to improve 86 more supported accommodation places in our community for people with a disability. Under this government, all new supported accommodation places, funded under the disability services program, are community-based.

The Strathmont devolution project will relocate 150 residents to community group homes across the metropolitan area. The government has recently made a large one-off contribution to Minda to go towards its Project 105 to move people from institutional care into community-based care, and the disability budget for the first time includes a package of funding to provide for in-home care for people with disabilities, including psychiatric disabilities. This amounts to $18.3 million over the next four years.

From 1 July 2005, the APN Options Coordination and Brain Injury Options Coordination will transfer from being programs of IDSC and merge with the proposed decentralised community-based Julia Farr Services. The department is working closely with the Amata and Ernabella communities on the APY lands to coordinate the delivery of local support services in order to address the various needs of people with disabilities in these areas.

The Minister for Disability has made a commitment to introduce a carers' recognition act and a carers' charter as a way of acknowledging in law the role of carers. It is hoped that this will be introduced to parliament shortly. There is progress on a range of fronts, but, as we acknowledge and as we all identify, there is clearly more work to be done.

*Members interjecting:*

**The PRESIDENT:** Order! There is too much audible conversation. I am having difficulty hearing.

**The Hon. J.M.A. LENSINK:** I indicate support for this motion. I commend the Hon. Kate Reynolds for her efforts in the disability services sector. We have had a number of briefings at Parliament House, and we saw the rally at Elder Park, which a significant number of people with disabilities and their families attended. They provided a human face and a voice, probably at some great personal expense in order to make arrangements to get there on the day, and highlighted to the parliament and the government, in particular, the situations faced by people with disabilities in this state. I note the government's amendment—and I am curious regarding it. They chose the year 1997 to the current date in which to examine this particular inquiry into disability services.

For those members who are unaware, the commonwealth provides an offer to the states. South Australia was in fact the first state to accept the second commonwealth-state disability agreement, but I note also that 1997 was the year of the appointment of the last great Liberal minister for disability services—the Hon. Robert Lawson, and I note that the Labor government is seeking to commend the golden age of that appointment. That fact is often highlighted to me in conversations with parents and disability services providers, and, I might add, a number of public servants, who, obviously, would not say that publicly for fear of being hit by some Rann Labor government minister. They miss the Hon. Robert Lawson as their minister for disability services because he was accessible, he went out into the community and he heard directly from the people who were affected—

**The Hon. Kate Reynolds:** Do you remember that, Rob?

**The Hon. J.M.A. LENSINK:** Well, I remember. I put on the record that I worked for the former minister for disability services. I will not say that he was very well advised, although others might say so. Disability services in this state are funded through the commonwealth, state and territories

disability agreement, which is the chief source of funding in that area, as well as through the Home and Community Care program (a significant amount of funds come through that line) and education and transport. There are several different sources. In the days when I worked for the then minister it was a difficulty.

I know that we are not supposed to raise this issue, but, because of the State Bank and because of the tight budgetary situation, finding money for any sort of program was never easy. The former Brown, Olsen and Kerin governments realised that it was a very sensible idea to take commonwealth offers, because that multiplied the effect of state revenues. In fact, I think it was the Hon. Michael Armitage who commenced the Moving On program, and we were able to relieve the pressure in a number of areas.

We heard some diatribe from the previous speaker. I was surprised, in fact, that she did not blame John Howard for this, because that usually works its way into her speeches. Of course, it was all dark and dastardly under the Liberals, and now we have a golden age! I would also like to put on the record the fact that the Rann-Foley government will collect some $2.2 billion more in revenue per annum than the last Liberal government in its final year. Compared to the last Liberal government, this current government has had a $5 billion windfall as a result of GST, property taxes, pokies, stamp duties, etc.

There is a lot of headroom in the budget, and any minister for disability services would grab the money and run to provide some investment in services for people with disabilities and their families who are struggling along in difficult circumstances. For the record, I quote from the Labor Party's policy, because I think—

**An honourable member:** What policy?

**The Hon. J.M.A. LENSINK:** It had some form of disability policy, which I would like to place on the record because I like to put these things in context. The policy states:

> Labor's plan for disability services.
>
> Labor governments have led the way in disability reform, only to see support and rights for people with a disability, including people with a mental illness, falter in recent years. South Australia is trailing other states in disability services and this is borne out by the participation rate and community access services, where South Australia is the lowest of any state, across a wide range of indicators. South Australia also has the lowest proportion of accommodation clients receiving community-based care or support. Hard won gains have been weakened—

and this is just an example of the diatribe—they are the good guys; never mind that they bankrupted the state and that there was no money in the budget—

> or lost, through the Liberal government's lack of leadership. Labor is determined to restore priority and direction to services for people with a disability.
>
> Labor is determined to implement policies and services which enhance the rights of people with disabilities to be valued participating citizens, and to be supported by quality specialist and regular community services. The fundamental principles which policies and services must embrace are: the right to every aspect of citizenship as contributing members of our community; the right of access to the range of inclusive services and resources used by all South Australians. This means access to: a physical environment, including affordable housing, which allows access to all aspects of community participation and living—

I would have to say that in the term of this government affordable housing has dropped dramatically—

> opportunities to establish formal and informal relationships at a personal level within the same social, employment and recreational settings as all other South Australians; an active policy focus by government, non-government and the private sector to implement quality education, training, employment and career opportunities for people with a disability or mental illness.

Those words fit quite well with this motion. I think it is telling that we are actually facing a situation where we should even need to have an inquiry, given the sort of commitment that the Labor Party gave in its last budget.

One of the pressing issues—this was also a pressing issue in the time of the previous Liberal government—is the need for accommodation in the community. Figures that I have seen indicate that we have some 330 people on the IDSC urgent waiting list and 70 on the acquired brain injury waiting list. I will compare this with the commitment that was given by Labor prior to the last election when they said that their immediate first action would be to contribute $1.8 million for 10 new group homes (which should provide 50 places) and $2 million in every financial year thereafter to provide 50 places. I must say that it is quite difficult to get any information out of this government about how many places there are.

So, in 2002-03 when this government came to office it promised 50 places. According to Dignity for the Disabled they have gained 14 new places. In 2003-04, again we were promised 50 places. From what I can ascertain, there has been an announcement of 22 new places for Trinity Court for Strathmont residents; four places for the ADAM project at Port Lincoln; and 10 temporary places at $550 000 per annum for young homeless people with disabilities. That amounts to not even half.

Then in 2004-05, again we have the promise of $2 million for 50 places. There is an acquired brain injury set-up at Windsor Gardens run by an organisation called Community Living for the Disabled which has 11 places; 20 places for the Wheelchair Accessible Community Housing Association; an unknown amount through the housing plan; four places for Minda for teenagers with special needs—I am not sure what that amount is; and six places for Julia Farr for new sites at Clarence Park, Macclesfield and Strathalbyn for, I think, existing clients.

For the new financial year 2005-06, there has been mention of the Minda Aged Care Project which seeks to move 105 people from the existing campus into the community. That is described as 14 group homes of five people each plus aged care licences, and Orana has four houses for 20 people. In the State Housing Plan, I found the target was 'approximately $4.7 million to new group homes and supported accommodation for people with disabilities'. I am not sure whether that refers to recurrent or capital expenditure. These figures are rather woolly compared with the 50 new places which no doubt the government would have said were written in stone. I do not know whether these were stretched targets, as the minister here has described other targets in strategic plans, or whether they were just extending the truth to get themselves elected to government, but this is a very different financial situation than that which was experienced by the previous government.

The motion also refers to access to services by people in country areas. Obviously, people in remote regions experience a great deal more deprivation of services because of the distance. In particular, I have heard of people in the Barossa, Tanunda and areas in the Mid North struggling to access services. I am sure that is the case in many other regions. Indeed, Liz Penfold referred to this in a speech on 11 November last year in relation to the Moving On program,

and I will quote from that speech, because she cites some of the difficulties experienced in country areas. She states:

> The average hourly rate is $17.70.

This is for workers, and she is quoting a manager who provides Moving On services. She continues:

> After clients contribute to the cost, the final hourly rate to the organisation is $15.58 per hour. If we had to deem these contractors as employees then the additional cost and conditions of services would change considerably.

I point out that this is in relation to some of the original aspects of the government's Fair Work Bill which would have deemed employees to be contractors. The quote continues:

> Certainly not to the clients' benefit and certainly would raise the hourly cost thereby reduce the number of clients that could be receiving a service with the same amount of government funding.
>
> At a time when governments are being pressured to find increasing funds for a whole range of human services this proposal would either reduce the number of clients able to be serviced or would require an increase in funding. . . additional cost would amount to. . . a 25 per cent increase in funding and this does not include costs such as staff development, insurance, travel and motor vehicles. If contractors became casual employees penalty rates would also apply. For example, a half hour service would have to be paid at a minimal call out of three hours!

So we have this Labor government which talks about social justice, but in its own industrial relations legislation it would like to deprive people with disabilities by satisfying its union mates, as usual.

In terms of services, the unmet need for people with intellectual disabilities is estimated at 500 people. In Moving On there are 386 people on the waiting list. I also point out that the working party for Moving On has tabled 15 recommendations, and I think we await some sort of response from the government on those. I commend the government for providing $7 million for equipment for day activities. In regard to transport, I note it has provided additional funding for buses for people with disabilities, and again that is an issue in the country. I have heard from people in the Mid North whose five-day allocation of a day program has effectively become two or three days because the government was not able to provide transport services.

In terms of early intervention, there are 100 people on the waiting lists. At one of the briefings organised by the Hon. Kate Reynolds we also heard about out of school hours care and vacation care. I think there are some silly economics that occur in this area, such as that investments in some areas would lead to reductions in need in other areas; that is, a 10-week vacation care program would probably cost of the order of $750 but would provide respite to parents and give them a bit of a break so that they are able to continue.

In regard to respite, there are more than 1 000 people on the waiting list. In regard to equipment, I am pleased that more funding has been provided but, again, we have the strange economics of this government that do not provide additional recurrent funding: so, while it might be able to point to the fact that it is providing $5.9 million to clear the waiting lists, it has not provided additional therapists to deal with that. So, in fact, the budget papers show that $2.6 million is to be carried over into the next year, and that is simply because those people who are in need cannot be assessed.

In regard to the budget, this $92 million figure has been thrown around but, when you cut down to brass tacks, $25 million has already been committed, $30 million is from education and transport and the remaining $37 million is spread over four years with a number of areas way towards the latter years. So, even if the spread is even over the four years, the reality is that a quarter of that $37 million is less than $10 million recurrent funds into the disability portfolio in 2005-06. The people who deal with this know that, and there is no fooling them, because they are living with it.

I note that the Hon. Kate Reynolds spoke after the budget, on 1 June, in relation to this motion and quoted from a press release from Dignity for the Disabled and a number of the quotes were highly germane to this debate. I will not repeat them, but will add in some of the ones that are particularly relevant. Maryanne Murphy says:

> I am sure there are many in the disability community who feel this budget has provided little to help in their daily battle to cope and survive. Disabled children will be abandoned and the 300-plus people on the urgent supported accommodation waiting list will still be looking at a 10 to 15-year wait for placement. It is also concerning to see the government's interpretation of the provision of educational support ($25.72 million over four years), which has been significantly lacking, particularly for children with autism spectral related disorders as a component in the budget allocation to the disability sector. Such an announcement borders on offensive, given children's entitlements to appropriate education resources, regardless of origin, diversity or disability. Funding for disability services should be separate to the education budget. The $25.72 million should be injected into an under-funded disability budget, and the educational needs of disabled children should be met positively within the education budget. The government's 2005 budget announcement will be recognised more for the change in political recognition of need than the changes in funding provided.

With those comments, I commend the motion to the council and look forward to its progress.

**The Hon. KATE REYNOLDS:** I do not intend to debate the overtly political contributions of the previous speakers because there is no question that disability services in South Australia still need both substantial and sustainable improvement, regardless of the colour of the various governments and ministers since 1997, and this motion intends to establish an inquiry to determine how best to achieve that. I sincerely thank both speakers for their contributions—the Hon. Gail Gago for indicating support of the Labor government and the Hon. Michelle Lensink for indicating support from the Liberal opposition.

Amendment carried; motion as amended carried.

## SOCIAL DEVELOPMENT COMMITTEE: STATUTES AMENDMENT (RELATIONSHIPS) BILL

Adjourned debate on motion of the Hon. G.E. Gago:

That the report of the committee on the Statutes Amendment (Relationships) Bill be noted.

(Continued from 25 May. Page 1913.)

**The Hon. T.G. CAMERON:** I note that the same-sex relationships bill has been introduced into the council, so I will keep my contribution in relation to the report of the Social Development Committee to a minimum. I will include a lot of other remarks that I want to make about the bill when we deal with it.

I am not supporting the 21st report of the Social Development Committee on the Statutes Amendment (Relationships) Bill. I have already outlined a whole host of reasons for that, and I will briefly run through a few more. In relation to the way in which statistics have been used in this report, I point to the statistics set out on page 13, which talk about same-sex couples in Australia, and those set out on page 29, which is a summary of the evidence received, where the report talks

about the oral evidence and the written submissions that were received, and so on. I urge people to treat with grave suspicion the way in which statistics have been used in this report.

In my opinion, the statistics were used to prove a certain point of view rather than as a factual representation of the evidence that was put before the committee, which I think is a real pity. When statistics are used they should be used accurately, ethically and properly and not tweaked where necessary in order to prove a certain point of view. That is what I submit has been done in relation to the use of statistics in this report. I could give another half a dozen or so examples of where I believe statistics have been improperly used or erroneous conclusions have been drawn from what I would call spartan data.

It is my intention to introduce a number of amendments to the bill for the information of members of the council. I am currently working with parliamentary counsel on those amendments, and I will be having discussions with a few people about them. As I have indicated previously, my amendments relate to providing for various religious organisations an opportunity for more freedom, if you like, in terms of who they can reject if they do not wish to have them teaching in their religious institutions. It is also my intention to move an amendment in relation to domestic co-dependants.

I also have an amendment providing for a detailed report back to parliament on how the bill has proceeded over the next two or three years. I also believe it is essential that we obtain a commitment from the government to properly advertise and educate people as to precisely what this bill means. A number of arguments have been put forward that now is the time to do something as far as domestic co-dependants are concerned. I think the most compelling evidence that is contained in the report arguing in favour of domestic co-dependants is the quotes that are set out on pages 78 and 79. They are both quotes from the Hon. Andrew Evans, who, in talking about a domestic co-dependent relationship, stated:

> . . . Mary. . . and Janet. . . have been friends since 1962 and have lived together on and off for many years whilst they worked as officers in the Salvation Army. Since retiring they have been living together for 17 years continuously and hope to continue that way into the future. They shop together for most things and generally share the household chores.

Mr Evans went on to say:

> Mary tends to do more of the cooking whilst Janet tends to do more of the gardening in their home. All of their living expenses such as groceries, utility bills and rates are shared equally between them. They eat together at all meals of the day and only seldom go out separately. Mary is legally blind and now relies on Janet's help and support in any social or other outings, especially in regard to such activities as driving. They are close companions and their friends and family generally expect them to attend functions or other social engagements as a couple.

On page 79 of the report, the Hon. Andrew Evans, when arguing in favour of domestic co-dependants, also went on to say:

> . . . it would be a great unifying factor in the state. There is a massive group of people—probably 18 per cent of South Australians—who are not in favour of this (I am in touch with many of them). But they would live with and be happy with a bill that was more inclusive. It would take the heat out of the debate, and it would bring the community together.

He then went on to say:

> The granting of legal rights similar to couples to 'domestic co-dependants' would not entail much greater expense than granting those rights to same sex couples as they would be a very small group.

There has been great play made of the fact that now is not the appropriate time to introduce co-dependency, and that it would be more appropriate to do it at some later stage. That is certainly the view the Attorney-General and the government have adopted. They do not seem to be arguing against doing something for co-dependants, but are simply saying that now is not quite the right time; it requires more investigation; it needs to be further looked at, etc. They could almost be quotes directly from *Yes, Minister*.

In relation to the financial implications, on page 85 the report states:

> The Department of Treasury and Finance indicated that it had not undertaken a financial analysis in relation to the Bill and was therefore unable to estimate the costs of removing legislative discrimination against 'domestic co-dependants' in the areas of the law addressed in the Bill. However, it was reported that the financial implications of such a proposal are likely to be quite minor, as are the financial implications of the present Bill, and for similar reasons. Chapter 4 [also] outlines possible financial implications of the current Bill.

Some people argued in their evidence before the committee that the debate around domestic co-dependants within the current debate around same-sex couples is an attempt to avoid recognising same-sex couples and to delay the bill. I refute that assertion, and I refute comments made by Ms Linda Matthews, the Equal Opportunity Commissioner of South Australia. In fact, I think the comments were insulting and offensive to all those people who genuinely want to do something for co-dependants. Ms Matthews said:

> It does not appear that the call for this recognition is based on a response to calls for this type of recognition. I am not exactly sure what problem this is trying to remedy. I think in many ways it is used as a smokescreen to water down attempts to recognise same-sex couples.

Well, I have news for Ms Matthews. There are a number of people who sat on that committee and a number of people in this council who are not using the referral to the Social Development Committee, and/or their attempts to try to do something for co-dependants, as a smokescreen to try to delay this bill, if one was to accept the assertions made by Linda Matthews and Dr Carol Johnson, Professor of Law at Flinders University, who said:

> I am not aware of these arguments being used to oppose the many existing legal entitlements for heterosexual couples. I am therefore puzzled as to why they are being used to oppose legal recognition for same-sex couples.

I am afraid that Dr Carol Johnson and Ms Linda Matthews have completely missed the point as far as I am concerned. They have also completely missed the point as far as what people like the Hon. Andrew Evans is on about—that is, trying to use this opportunity to do something for domestic co-dependants. If that means that same-sex couples have to wait a few more months whilst we sort out this issue then so be it, they can wait. People such as Ms Matthews and Dr Johnson ought to be ashamed of themselves for turning up to the committee and wagging their finger at people who are genuinely trying to do something for co-dependants (and I definitely include the Hon. Andrew Evans in this), making comments such as that they are using the issue merely as a smokescreen to delay the passage of this bill. One can only hazard a guess as to why they were prepared to engage in that kind of rhetoric. The government has, I believe, already conceded that this question of domestic co-dependants needs to be addressed.

I refer honourable members to pages 86 and 87 of the report. The last resolution of the committee set out on page 87 states:

> The committee supports that the government investigates extending an appropriate range of legal rights and responsibilities to non-couple 'domestic codependent' relationships.

As I indicated in my earlier contribution, I do not trust the government to adequately deal with this issue unless it is addressed now, and that is why I have parliamentary counsel looking at suitable amendments that could provide some protection and significantly improve the rights of domestic co-dependants. It would be my intention, once those amendments have been prepared, to circularise them amongst honourable members of this council, in particular amongst the Independents, to see whether I can get support for them.

I refer honourable members to page 125 of the report, Appendix 5.2, for an example of what I am looking at. Appendix 5.2 states:

> In NSW, the Property (Relationships) Legislation Amendment Act 1999 granted recognition for people in non-couple close personal relationships in eight Acts or Regulations. These were the Property (Relationships) Act 1984, District Court Rules 1973, Duties Act 1997, Family Provision Act 1982, Bail Act 1978, Trustee Act 1925, Coroners Act 1980 and the Powers of Attorney Act 2003.
>
> In the Property (Relationships) Legislation Amendment Act 1999, a 'domestic relationship' is defined as either a de facto relationship or:
>
> a close personal relationship (other than a marriage or a de facto relationship) between two adult persons, whether or not related by family, who are living together, one or each of whom provides the other with domestic support and personal care.

This is exactly the type of co-dependence that I have in mind in trying to help, and I think that others in this place share that feeling. This act continues:

> . . . a close personal relationship is taken not to exist between two persons where one of them provides the other with domestic support and personal care:
>
> (a) for fee or reward, or
>
> (b) on behalf of another person or an organisation
>
> (Including a government or government agency, a body corporate or a charitable or benevolent organisation).

I think I have probably spoken enough about this report. It is not my intention to endorse the report. I do not think it accurately reflects the evidence that was given to the committee. I feel that the committee was hijacked and that the evidence was taken in order to support certain views. Notwithstanding that, the government has made one concession that I can see; as I said, the government is prepared to look at another couple of matters. Rather than risk seeing this legislation defeated in this council, it is my intention to move the amendments and, hopefully, with those amendments, the bill will get enough support to get through. However, in fixing up the problems relating to the legal rights, etc., for same-sex couples, we are also presented with an excellent opportunity to do the same for co-dependants.

**The Hon. A.L. EVANS:** I rise to comment on the report of the Social Development Committee, tabled on 24 May 2005 by the Hon. Gail Gago, Presiding Member of the Social Development Committee, which inquired into the Statutes Amendment (Relationships) Bill. Firstly, I am disappointed by the lack of integrity in the calculation of statistics and, more specifically, the calculation of the number of submissions in support of and in opposition to the bill. There is serious concern, as raised in the minority report prepared by the Hon. Michelle Lensink and Mr Joe Scalzi MP, that joint submissions against the bill—for example, one made by a husband and wife—were calculated as a single submission.

On the other hand, joint submissions made in support of the bill—for example, where two or more persons signed a single letter—were calculated as multiple submissions, notwithstanding that they were recorded on the same document. I find this kind of inconsistent behaviour by a parliamentary committee to be conducive to a lack of trust in our system. I call on the Hon. Ms Gago to recount the numbers of submissions with consistency and provide the true statistics of support for and opposition to the bill.

In addition, there were 43 submissions from organisations against the bill and only 17 from organisations in support. It is quite plain that the members or constituents represented by the organisations against the bill could clearly bring the number of South Australians against the bill to be a far greater sum than those supporting the bill. There is no doubt in my mind, and I suspect there is no doubt in the minds of the majority of the Social Development Committee that, when the submissions are correctly analysed, there are more South Australians against this bill than there are for it. This is in my mind very clear.

It has also been disappointing to see the lack of objectivity exercised by the majority members of the Social Development Committee. The tone of the report and the speeches made in respect of it clearly indicate that the views of a minority group are being forced through this parliament without the relevant members truly turning their minds to the benefits, detriments and justification of the bill.

I wish to note clearly that this bill extends the rights of same-sex couples beyond the current rights enjoyed by opposite sex de facto couples. This is a truth that is glossed over in the documents and speeches made in relation to the bill. Moreover, the aim of the bill is misleading on this point when it states that the aim is to give same-sex couples the same rights as opposite sex de facto couples. The truth is that the bill extends the rights of opposite sex de facto couples and at the same time gives the same extended rights to same-sex couples.

I am also amazed by the continual rhetoric to the effect that providing same-sex couples and de facto couples with increased rights will not affect the status of marriage in our society. I have continually heard the most uninformed comments such as 'the status of marriage can only be affected at a federal level' and 'the rights of married couples will not be affected by the bill'.

How is it that they cannot see that by granting identical rights to other relationships the unique place of marriage in our society will be eroded? The detrimental effect on marriage will be in making the uncommon common. I welcome the comments of the Hon. Terry Cameron and look forward to seeing a copy of the foreshadowed amendments. I would like to speak on the bill after having the benefit of considering the proposed amendments.

**The Hon. J.M.A. LENSINK** secured the adjournment of the debate.

## NATURAL RESOURCES COMMITTEE: LOWER MURRAY RECLAIMED IRRIGATION AREA

**The Hon. R.K. SNEATH:** I move:

> That the second report of the committee, on the rehabilitation and restructuring of the Lower Murray Reclaimed Irrigation Area, be noted.

In 2004, the Natural Resources Committee travelled along the River Murray in order to familiarise itself with the numerous issues and government programs along the river. It also gave the committee the opportunity to meet personally with those communities directly affected by the river's current state of health and by the programs being implemented to rectify these issues. The Department of Water, Land and Biodiversity Conservation Lower Murray Reclaimed Irrigation Area Restructure and Rehabilitation Program is one such government initiative that was raised with the committee on its visits to the region.

The committee resolved to examine the program to consider its impacts on the environment, the irrigators and the communities of the area. This is consistent with one of the Natural Resources Committee's principal statutory obligations, which is to take an interest to keep under review the protection, improvement and enhancement of the natural resources of the state.

By way of background information, the Lower Murray reclaimed irrigation area refers to approximately 5 200 hectares of flood irrigation farms on the River Murray flood plain between Mannum and Wellington. Most of this land is used for dairy farming, and the area is a significant producer of milk for the state. Irrigation in the Lower Murray reclaimed irrigation area is in the form of flood irrigation, that is, the opening of sluice gates in levy banks to allow the flow of water from the River Murray to supply channels. Once the supply channels are filled, the water is allowed to flow across sloping paddocks. The remaining water is then collected in the back drain, the contents of which are discharged back into the river. This form of irrigation in this particular area is not metered. Approximately two-thirds of the study area is in government districts, where the land comprising drains and channels is government owned, whilst the areas under irrigation are privately owned.

Broadly, the department's restructure and rehabilitation program is concerned with the reduction of pollution of the river to meet the Environment Protection Authority's requirements of no return of irrigation run-off to the river by 2008); more efficient use of water taken out of the river; maintenance of a sound, sustainable, reasonable economy; and devolving responsibility for the government-owned areas and infrastructure to the irrigators.

This program is funded under the National Action Plan for Salinity and Water Quality Improvement with some $22 million being provided for the program. It is estimated that the irrigators will contribute approximately $2.5 million to the rehabilitation phase of the program. The restructure and rehabilitation program comprises four distinct stages:

- the first stage consists of an information program to irrigators, advising them of water allocations, environmental requirements that must be met, and the terms of any government financial assistance for restructuring, exit or rehabilitation;
- the second stage was a period of water trade and restructuring, so that those who wanted to exit could exit, and those who saw a future and wanted to expand could buy out their neighbours. As part of this process the department did not identify those areas that were to be retired. Rather, the decision was left with individual irrigators. As a result, up to 40 irrigators have retired, resulting in 1 500 hectares of land being released by irrigators wishing to retire from the industry. Of that, 500 hectares has been taken up by other irrigators in the area. It has also allowed for 18.6 gigalitres of the area's overall allocation of 67.3 gigalitres of water to be sold;
- the third stage of the program was for the preparation of agreements for rehabilitation work for those irrigators wishing to stay involved on the land. These agreements have now been completed by the irrigators, and the Department of Water, Land and Biodiversity Conservation is currently in the process of drawing up rehabilitation funding deeds; and
- the final stage of the program will be implementing rehabilitation works agreed to in the rehabilitation funding agreements. Installation of meters, laser levelling and realignment of irrigation channels are some of the capital works that will be required to achieve key targets such as water use efficiency of no less than 65 per cent by 30 June 2007, and no return of the irrigator's run-off to the river by June 2008.

The committee supports the objectives of the restructuring and rehabilitation program. Having visited the region twice for the purposes of this inquiry, the committee witnessed first-hand the current state of irrigation infrastructure, and fully supports its upgrade to allow for more efficient use of water allocations. The committee is well aware of the various water quality issues in the Lower Murray, and also fully supports efforts to prevent pollution discharge into the river for those areas that remain under irrigation.

Having established the rationale for the program, the committee was very interested to hear from the irrigators themselves to determine the impacts that this program will have on them. Whilst there was an acknowledgment from the irrigators that irrigation practices should be improved, a number of concerns were expressed to the committee. The irrigators expressed some disappointment regarding the method by which the restructuring program had been communicated to them, with many feeling as though they had not been adequately informed about the process, and the expectations on them.

Whilst the committee is aware of the consultation program conducted by the department, it acknowledges that consultation from government agencies can make assumptions about community understanding of government policy and process, and neglect to adequately explain all steps involved sometimes. This report, therefore, recommends that officers from the department liaise closely with irrigators throughout the rehabilitation work phase of the process, including regularly attending meetings such as those convened by the South Australian Murray Irrigators Association and Lower Murray Irrigators Association.

The committee also recommends that the department ensure that the community is consulted and kept informed in a transparent, timely and efficient manner in any future dealings throughout this restructuring and rehabilitation program. For any other programs that are necessary, the community should be consulted, and the community's concerns should be addressed appropriately. A major concern of the irrigators is the financial impact that this program will have on them. Whilst government funding will cover up to 83 per cent of the rehabilitation works on the irrigated properties, the remaining 17 per cent of rehabilitation costs will be contributed by the irrigators. This equates to approximately $630 per hectare, and to many farmers it is another expense on the back of a very difficult time for the industry.

Notwithstanding its support for efforts to achieve more efficient use of water and to prevent the return of drainage to the river, the committee is aware of the financial impact that

this program will have on land-holders who choose to remain in the industry. The committee also believes that the lack of strategy in relation to which land is or is not retired has further contributed to the remaining irrigators being severely financially disadvantaged. This report therefore recommends further consideration by the Department of Water, Land and Biodiversity Conservation for additional assistance or that financing options be provided to those irrigators unable to meet their share of rehabilitation expenses.

Also of concern to both irrigators and the committee was the lack of strategy in relation to which land would be retired and which would remain in active agricultural use. The committee saw and heard evidence that the retirement of some farms has resulted in patches of disused land interspersed with currently irrigated land. The committee is concerned that there appears to be a lack of consideration given to the ongoing management and maintenance of land and the infrastructure that has been retired as part of this program. Specifically, the committee is concerned that, without ongoing application of water, some retired land may suffer from significant salinity and other degradation problems.

The report makes two recommendations in relation to this. First, the committee recommends that the Department of Water, Land and Biodiversity Conservation investigate the likelihood of degradation on retired land in the Lower Murray reclaimed irrigation area and, if necessary, investigate the sourcing of environmental water for that land and develop an appropriate management plan for its application. Secondly, the committee recommends that the department resolve issues relating to the cost of maintaining shared irrigation infrastructure bypassing both disused and irrigated land.

The final concern raised by irrigators is ongoing access to environmental land management allocation (ELMA) water. ELMA is an allocation of water held by the Minister for Environment and Conservation and is used for land management purposes by irrigators, in particular for the minimisation of the effects of raising saline underground water. The amount of water able to be used per hectare in each of the irrigation districts in the area is determined by the water allocation plan for the River Murray prescribed watercourse. The committee recognises the concerns of irrigators regarding the maintenance of current levels of ELMA water. This allocation will be maintained for the life of the current water allocation plan. The committee recommends that the key stakeholders such as irrigators will be closely involved in all stages of the preparations of the next water allocation plan.

In conclusion, the findings and recommendations of this report have been arrived at in a bipartisan fashion, with each member of the committee recognising the importance of more efficient use of water in the area and less polluted discharge back into the river. Accordingly, the committee supports the objectives of the Lower Murray reclaimed irrigation area program of restructuring and rehabilitation. However, the committee also recognises the importance of the dairy industry in the Lower Murray area to both the regional and the state's economy. It is mindful of the fact that other industries rely on the vibrant dairy industry, whilst acknowledging the need for reforms in irrigation practices in the region. The committee does not wish this to be at the expense of individual irrigators and small businesses in the region.

I take this opportunity to thank all those people who contributed to the inquiry. I thank those who made the effort to prepare submissions or appear before the committee and the many people who met the committee on its travels and extended their hospitality. I extend my thanks to the members of the committee, Mr Paul Caica, Ms Vini Ciccarello, Mr Mitch Williams and, from the Legislative Council, the Hon. Sandra Kanck and the Hon. Caroline Schaefer. I thank the secretary, the research officer and the committee for their hard work. I commend the report to the council.

Motion carried.

## NATURAL RESOURCES COMMITTEE: MENINGIE AND NARRUNG IRRIGATORS

**The Hon. R.K. SNEATH:** I move:

That the report of the committee on Meningie and Narrung irrigators be noted.

I know that this issue is of great interest to you, Mr Acting President. The Narrung Peninsula is situated to the south of Lake Alexandrina, to the west of Lake Albert and along the northernmost stretch of the Coorong. Agriculture in the area covers more than 4 000 hectares and consists of irrigated lucerne and cash crops, with an annual gross value exceeding $20 million. The value of livestock in the area also exceeds $20 million and contributes about 11 per cent of the state's milk production. Capital infrastructure in the area is in excess of $65 million and, on current market value, the licensed water is worth more than $5 million.

The committee resolved to examine the issues irrigators there brought to its attention on the first of its trips to the region. On the second trip, a formal hearing was held at the offices of the Rural City of Murray Bridge. The committee took evidence from irrigators, their representatives and association, the Meningie and Narrung Lakes Irrigators Association. We heard that irrigators in the area see themselves as isolated from the broader irrigation industry along the Murray. They felt that, when agencies made decisions regarding water restrictions, they were amongst the last to be informed. They recognise that agencies managing the state's water resources can have limited control over the quality and quantity during an extended dry period that leads to lower flow. Nevertheless, they remain convinced that sufficient information on water flow and quality is available to these agencies for them to make some early observations, if not management decisions.

It is during these periods, which may eventually lead to unfavourable irrigation conditions or water restrictions, that irrigators need to make critical management decisions. They need to make decisions on matters such as culling or movement of stock and whether stockfeed can be grown or needs to be brought in. Obviously, early advice to the Meningie and Narrung Lakes irrigators on the potential of lower flows and increase in salinity would assist them in making timely management decisions on forward conditions in relation to irrigation or importing stockfeed and stock movement. The committee supports and encourages any initiative that can be implemented by the Department of Water, Land and Biodiversity Conservation and the South Australian Murray Darling Basin Natural Resources Management Board that could provide much earlier advice than is currently the case. The committee supports this view, and one of our recommendations reflects this position.

The committee heard that below average rainfalls in recent years have contributed to lower than normal water levels in the lakes and a reduction in the natural flushing of the system. We were advised that contributing factors to these low levels might be due to some inefficient use upstream and the

possible poaching of water. This makes it only more difficult for the Meningie and Narrung Lakes irrigators. The committee is of the view that, if current rainfall trends persist and the lack of flow into the lakes continues, the long-term viability of irrigation in the region is seriously at risk. Accordingly, we recommend that an audit of water use and loss along the river be undertaken to assist river regulators in eliminating avoidable losses and even substantiating or disproving allegations of poaching and inefficient use of water upstream.

Irrigators advised the committee of some of their frustrations in dealing with government departments over licensing processes. We recognise the necessity for ongoing monitoring of dredging works and other actions which impact on the resources of the area. This is particularly important given its sensitive natural ecosystems and proximity to the Coorong Ramsar wetlands site. The committee also feels it is in the best interests of irrigators to maximise their environmental performance. It is understood that their efforts to do so are being supported and assisted by associations such as the South Australian Murray Irrigators, other locally formed groups and the efforts of various government departments. Nonetheless, the committee is also concerned that government requirements in relation to licensing are not being adequately communicated to irrigators in this area.

It must be recognised that there are no alternative water resources in the region and that a minor drop in lake levels significantly impacts on an irrigator's ability to access water from the lakes. Therefore, the committee supports special dispensation allowing lakes irrigators to undertake emergency dredging work at times of very low levels. It is our recommendation that the Environment Protection Authority review its processes for advising irrigators of its dredging licence and compliance requirements, with a view to streamlining the assessment process. We have further recommended that any changes to current licensing arrangements in relation to dredging in Lake Alexandrina and Lake Albert should involve comprehensive consultation with irrigators and take into account the views and operational requirements of irrigators.

The committee heard evidence suggesting that the Narrung Narrows causeway may now potentially be restricting natural circular flows in and out of Lake Albert. Without this circular flow, it would seem that the salinity in Lake Albert could increase irreversibly. We recognise that this view is speculative and not based on scientific studies, but the committee does support further research into the effects the causeway may be having on natural flows into the lake. One of our recommendations is for the Department of Water, Land and Biodiversity Conservation to determine who is responsible for the ownership and management of the causeway, with a view to instigating an investigation into the efficacy and feasibility of placing culverts under the causeway to ameliorate salinity issues.

The committee also heard that a proposed channel between Lake Albert and the Coorong may assist in flushing the lakes. The committee reviewed previous research done by the engineering and water supply department in 1988 titled 'Lake Albert Salinity Mitigation—Channel to Coorong; Supplementary Report'. The report found that such a proposed channel is likely to pass less than the anticipated flows and result in less than anticipated salinity levels in Lake Albert, whilst potentially impacting on the natural ecosystems and processes in the Coorong. We accept the findings of this report, but, given the current change in climatic conditions and a real reduction in natural flows down the river, further investigation may need to take place in the near future. The committee sees this area as being of significant economic value and that the operations are in line with good irrigation practice and environmentally sustainable. We believe that our recommendations will be of benefit to the industry and foster greater cooperation between them and government agencies. Once again, I thank the members of the committee, the secretary and the research officer of the committee and recommend this report to the council.

Motion carried.

## EVIDENCE (RETRIAL OF SEXUAL OFFENCES) AMENDMENT BILL

**The Hon. R.D. LAWSON** obtained leave and introduced a bill for an act to amend the Evidence Act 1936. Read a first time.

**The Hon. R.D. LAWSON:** I move:

That this bill be now read a second time.

This is an important proposal for law reform. I might explain it to the council as follows: it arises because of a situation which has arisen in New South Wales and which has illustrated a grave deficiency in the law of that state and, also, this state. In 2001 an accused person named Bilal Skaf was sentenced to 55 years' imprisonment in New South Wales for a series of gang rapes in the western suburbs of Sydney. The circumstances of those rapes and the harrowing ordeals of the victims, coupled with certain racial overtones, gave this case great notoriety in New South Wales. The courage of the victims in coming forward and reporting the crimes, and their courage in giving evidence, excited considerable public sympathy. However, Skaf's conviction was set aside in May 2004 on the ground that, contrary to specific instruction, two members of the jury during the trial had gone out to visit the scene of the crime and conducted their own investigations. I might say in passing that, in consequence of that escapade, the New South Wales introduced gaol sentences for delinquent jurors—but that is an entirely different subject.

As a result of the actions of those jurors, the Court of Criminal Appeal allowed the appeal of Skaf and ordered that he be retried—obviously, in the expectation that these issues would not arise again. However, on 2 February this year the victim stated she was not prepared to go through the stress of another trial. That left the Director of Public Prosecutions in New South Wales in a dilemma. Without her evidence there was insufficient evidence for the matter to proceed, and the DPP ruled that it was not possible to secure a conviction without the victim's evidence. Accordingly, and following the standard policies of directors of public prosecution around the country, he entered a nolle prosequi, the effect of which was that unless and until the victim was prepared to testify again in court, Skaf would not face a retrial. He happened to be in prison for other offences, but the point is that for this particular offence, to which he had been sentenced to 55 years' imprisonment—and the very statement of the fact that he was sentenced to 55 years' imprisonment—indicates the gravity of his offence. He would not face any retrial at all.

Following that decision of the DPP, the Carr government in New South Wales announced that the law would be amended to allow the use of transcripts in a retrial in a sexual assault case where the victim refused or was unable to give evidence in person. I emphasise, of course, that what we are here talking about is evidence in a retrial, not in the original trial. The situation that arose in New South Wales could

easily arise in South Australia under our existing laws. Section 13 of our Evidence Act does give the court a discretion to allow evidence to be given by closed-circuit television, or to order that a screen, partition or one-way glass be placed to obscure the witness's view of the accused.

The court also has power to allow the victim to be accompanied by a relative or friend for the purposes of providing emotional support. Section 13 was introduced in 1993, and there has been a gradual increase in the number of matters in which witnesses have applied to use what are termed as 'special arrangements', particularly the use of the screen. Access to courts where there is closed-circuit television has been limited; although I do note that, in an announcement made by the Attorney-General on 13 April this year, greater use of closed-circuit television is now facilitated.

At that time, the Attorney announced that two more courtrooms in the Sir Samuel Way building in Victoria Square had been fitted with the latest video-conferencing technology; and two remote witness rooms were to be set up in another building in a secure location to shield witnesses from coming face to face with defendants. The Attorney said at that time that this move was in response to some of the findings of the Layton report, which recommended an improvement in conditions for children and other vulnerable witnesses who are put through the justice system.

Whilst we welcome the physical improvements in our court system, namely, the provision of closed-circuit television equipment, it simply does not go far enough. In July last year, the Mount Gambier court became the first court in this state to be equipped with closed-circuit television equipment. Currently, two courts in the Sir Samuel Way building are already fitted with video-conferencing technology. The technology is one thing but the way in which that technology can be used is quite another.

I should say that there has been a certain reluctance to use the new technologies, for example, closed-circuit television, because some prosecutors believe that evidence delivered by closed-circuit television will have a lesser impact on the jury and, in consequence, the jury is more likely to acquit an accused person because they have not seen the evidence in person.

Again, I mention in passing that there is already an extremely low conviction rate in sexual assault cases in this state, and that is a matter which is the subject of a current examination by the Legislative Review Committee. I am delighted to see the Presiding Member of that committee (Hon. John Gazzola) in the chamber at present. Many people in this field are awaiting with interest the report of the Legislative Review Committee on why in this state there is such a low conviction rate in sex cases, and what prescriptions the committee offers to improve that conviction rate. The rate is so low that it is simply not possible to explain it on the basis that there are a number of people who are innocent and therefore you would expect them to be acquitted. That rate is so low that it is a matter of very serious concern.

I return now to section 13 of the Evidence Act which, as I was saying, provides for special arrangements to be made. However, under section 13 of the Evidence Act, the court cannot make an order for special arrangements if that order would, first, relieve a witness from the obligation to give sworn evidence; secondly, relieve a witness from the obligation to submit to cross-examination; or, thirdly, would prevent the judge (or, in the case of a trial by jury, the jury) from seeing and hearing the witness while giving evidence. These limitations appear in subsection (4) of section 13.

Accordingly, the tendering of a transcript or even a videotape of evidence could not occur—and does not occur in South Australia—because it would contravene each of those three conditions which I have mentioned. It would relieve a witness from the obligation to give sworn evidence; it would relieve a witness from the obligation to submit to cross-examination; and would prevent the judge or the jury from actually seeing and hearing the witness giving evidence. That is because under our system of law, traditionally, great importance is placed upon the capacity of a jury or a judge to see a witness giving evidence to determine whether or not that evidence should be regarded as credible and to weigh the evidence by reference to the demeanour of the witness.

There is a dilemma in this issue. On the one hand, our notion of a fair trial demands that accused persons be permitted to cross-examine their accusers. On the other hand, the rights and interests of victims must be recognised. A victim can be re-victimised if the investigation and the trial processes are not sensitively handled. Many victims report that they are traumatised by the process that they have to go through. That is no doubt why many victims are reluctant to testify and, in many cases, reluctant even to report cases of sexual assault, rape and the like.

At the beginning of these remarks I referred to the case of Skaf where a retrial was ordered. I should return to that case. When his appeal was allowed, the Liberal opposition in New South Wales immediately called for legislation to prevent the victim from having to testify again. I think they were quite correct in saying that it was outrageous that one should demand that a victim who, in these circumstances, was unwilling to testify should be forced to do so. The Liberal proposal in May 2004 was that if the Appeal Court had ruled that the evidence of the victim was not in question—in other words, the Appeal Court had accepted the validity of the evidence—then the victim's evidence at that trial could be accepted at a retrial by simply tendering a transcript of it.

At that time, the Carr government was trenchant in its criticism of the Liberal opposition. I might say they changed their mind later on, but at that time they were trenchant in their criticism. The Attorney-General, Bob Debus, said—and I think many members of this chamber might agree—that there were difficulties with the Liberal proposal. That is because the jury in the first case would not have indicated what evidence it had accepted or rejected or whether it had accepted part of the evidence and rejected other parts. That is simply because a jury is not required to indicate what evidence it accepts and what evidence it rejects. It is simply not possible to say at a later date what evidence it was that the first jury had accepted and what it had not accepted. It was simply not appropriate to tender a transcript saying, 'Here is the evidence. You must assume that the earlier jury has accepted this evidence', and it should be accepted in a later retrial.

The government also argued against the Liberal proposal, first, that where the court orders a new trial, or a fresh trial, that it should be a fresh trial and not merely a trial based on the same evidence as previously presented. It was argued that a mere transcript of evidence does not convey the full impact of live evidence. It was also asked: how can the jury in the second trial, the retrial, assess the credibility of witnesses simply from a transcript? To address these issues the Carr government introduced the Criminal Procedure (Sexual Offence Evidence) Bill. The idea of this bill was to make it

easier for victims of sexual assault to give evidence with the use of things such as closed circuit television. The Attorney-General acknowledged that the court already had a discretion (as does the court in South Australia) to allow such evidence, but he stated that the discretion was exercised only very rarely, and the purpose of his bill was to facilitate its use.

The Carr government's bill was duly passed in 2004. The essential feature of that bill was the creation of a presumption that a complainant who gives evidence in a sexual assault case may do so by use of closed circuit television and they may have an entitlement to a support person in court. In other words, these matters ceased to be a matter simply of judicial discretion to be exercised in a particular case but became a matter of choice for the victim in the case. If the victim wanted it, the victim could have it. However, this bill proved to be entirely inadequate when, in the case of Skaf's victim, she announced that she was going to refuse to testify at the retrial, whether by means of closed circuit television or any other means. She simply said she was not prepared to go through that ordeal again—and I think we in this place, and everyone, should have every sympathy for that position.

In response to that, the New South Wales government was forced, on 3 March this year, to introduce a new bill, namely, the Criminal Procedure Amendment (Evidence) Bill which: first, will apply to retrials and will allow the tender of a transcript at a retrial; secondly, will provide that the complainant is not able to be compelled to give further evidence at a retrial; and, thirdly, will provide that the complainant can give evidence if she so chooses. The New South Wales bill has been passed, and the South Australian bill which I now introduce seeks to provide precisely the same accommodation to the victim of a sexual crime, namely, that, if there is a retrial ordered and if the victim chooses, for whatever reason, not to again testify, there will be the capacity for the prosecuting authorities to tender a transcript of her earlier evidence which can be accepted.

I mentioned that the Legislative Review Committee is examining the question of the very low, indeed unacceptably low, conviction rate in sexual assault cases in this state. My recollection is that in one year (and I think the most recent year for which statistics were available when the committee began its deliberations) there were some 400 reports of rape in this state, but in the same year there were only 19 convictions for that offence. That clearly indicates a serious issue for our legal system. It is all very well to say that our criminal justice system should be operated in accordance with the law—and that is true—but it should also be operated in accordance with principles of justice. It is fairly clear that the victims of sexual assault are not receiving appropriate justice under the current regime.

This bill seeks to ensure that, if the situation which has arisen in New South Wales and which is quite likely to arise here in future does arise, an offender will not escape conviction entirely by reason of the fact that the prosecuting authorities are unable to present evidence to the court. This bill will facilitate the presentation of evidence on a retrial to ensure that there is at least a fair chance that justice will be done and that an accused person will not escape trial entirely by reason of the fact that the victim chooses not to give evidence for whatever reason she deems appropriate. I commend the bill to the council and hope that it receives the support of all members.

**The Hon. R.K. SNEATH** secured the adjournment of the debate.

## NATURAL RESOURCES COMMITTEE: EASTERN MOUNT LOFTY RANGES CATCHMENT AREA

Adjourned debate on motion of Hon. R.K. Sneath:

That the report of the committee on the Eastern Mount Lofty Ranges catchment area be noted.

(Continued from 13 April. Page 1631.)

Motion carried.

## HERITAGE (BEECHWOOD GARDEN) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 April. Page 1440.)

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I will briefly put the government's position on this bill. It was a private member's bill moved by Mrs Isobel Redmond, the member for Heysen, in the House of Assembly. When the matter came before parliament in the middle of last year, both houses agreed to deproclaim the Beechwood Garden, which enabled the government to sell the garden to the current owners of the house associated with it. There was an undertaking to maintain the garden in its current or similar form on an ongoing basis, and that was done by use of a heritage agreement.

At the time, the opposition expressed its agreement with the government's position, but asked that the government put in legislative protection for that heritage agreement. Minister Hill in another place said he would support that proposition, provided that he had a chance to look at the language which the member for Heysen was proposing and that the owner of the property was happy with that as well.

Following negotiations between the member for Heysen and the minister, the minister moved some amendments to the legislation in another place. So, the legislation in the form in which it comes to us in this council was supported by the government, and we would support that position here. I understand that the opposition has an amendment, which I would need to take up with the minister. However, certainly, at the second reading stage the government will support the bill. As I said, we supported it in its current form through the House of Assembly.

Bill read a second time.

## ADJOURNMENT

At 9.32 p.m. the council adjourned until Thursday 30 June at 2.15 p.m.